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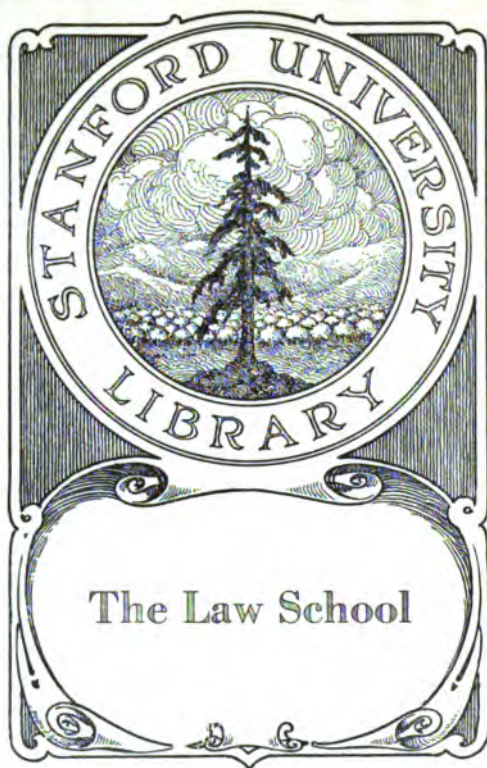
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North Carolina Call.

Sept 10/82

The City & Return Season - 1882
in Bot Community at 100 + 12

1882
of 1882 - Aug 13
The City & Return Season - 1882
in Bot Community at 100 + 12

LAWS AND RESOLUTIONS
OF THE
State of North Carolina,

PASSED BY THE
GENERAL ASSEMBLY

AT ITS
SESSION OF 1879,
BEGUN AND HELD IN THE CITY OF RALEIGH,
ON WEDNESDAY, THE EIGHTH DAY OF JANUARY, A. D. 1879.

TO WHICH ARE PREFIXED
A REGISTER OF STATE OFFICERS, MEMBERS OF THE GENERAL
ASSEMBLY, JUDICIARY, A LIST OF COMMISSIONERS OF
AFFIDAVITS, AND STATE CONSTITUTION.

PUBLISHED BY AUTHORITY.

STATE LIBRARY
RALEIGH:

THE OBSERVER, STATE PRINTER AND BINDER.
1879.

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REGISTER OF STATE OFFICERS,
Members of the General Assembly
AND THE
J U D I C I A R Y ,
FOR THE YEAR 1879.

OFFICIAL REGISTER

FOR THE

YEAR 1879.

STATE GOVERNMENT.

THOMAS J. JARVIS,.....Pitt county,.....Governor.
JAMES L. ROBINSON,.....Macon county,.....Lientenant-Governor.
WILLIAM L. SAUNDERS,...Wake county,.....Secretary of State.
SAMUEL L. LOVE,.....Haywood county,.....Auditor.
JOHN M. WORTH,.....Randolph county,.....Treasurer.
JOHN C. SCARBOROUGH,...Johnston county,.....Supt. Pub. Instruct'n.
THOMAS S. KENAN,.....Wilson county,.....Attorney General.
JOHNSTONE JONES,.....Burke county,.....Adjutant General.
WILLIAM C. KERR,.....Mecklenburg county,...Geologist.
J. McLEOD TURNER,.....Buncombe county,.....Keeper of Capitol.
SHERWOOD HAYWOOD,.....Wake county,.....State Librarian.
LEE S. OVERMAN,.....Rowan county,.....Private Sec. to Gov.
G. L. DUDLEY,.....New Hanover county,..Ch'f Cl'k to Sec. State.
A. J. PARTIN,.....Wake county,.....Chief Cl'k to Auditor.
DONALD W. BAIN,.....Wake county,.....Chief Clerk to Treas'r.
THOMAS C. WORTH,.....Randolph county,.....Assist'nt Cl'k to Treas.

THE JUDICIARY.

SUPREME COURT.

NAMES.	RESIDENCES.
WILLIAM N. H. SMITH, Chief Justice,	Raleigh, N. C.
THOMAS S. ASHE, Associate Justice,	Wadesboro, N. C.
JOHN H. DILLARD, Associate Justice,	Greensboro, "
THOMAS S. KENAN, Reporter,	Wilson, "
WILLIAM H. BAGLEY, Clerk,	Raleigh, "
ROBERT H. BRADLEY, Marshal,	Raleigh, "

SUPERIOR COURT JUDGES.

DISTRICTS AND NAMES.	RESIDENCES.
1. MILLS L. EURE,	Gatesville, N. C.
2. A. S. SEYMOUR,	Newberne, "
3. A. A. MCKOY,	Clinton, "
4. R. P. BUXTON,	Fayetteville, "
5. JOHN KERR,	Reidsville, "
6. DAVID SCHENCK,	Lincolnton, "
7. JESSE F. GRAVES,	Mt. Airy, "
8. ALPHONSO C. AVERY,	Morganton, "
9. JAMES C. L. GUDGER,	Waynesville, "

SOLICITORS.

DISTRICTS AND NAMES.	RESIDENCES.
1. C. W. GRANDY,.....	Elizabeth City, N. C.
2. JOHN H. COLLINS,.....	Halifax, “
3. SWIFT GALLOWAY,.....	Snow Hill, “
4. JAMES D. McIVER,.....	Carthage, “
5. F. N. STRUDWICK,.....	Hillsboro, “
6. W. J. MONTGOMERY,.....	Concord, “
7. JOSEPH DOBSON,.....	Dobson, “
8. JOSEPH S. ADAMS,.....	BAKERSVILLE, “
9. G. S. FERGUSON,.....	Waynesville, “

CRIMINAL COURT JUDGE.

OLIVER P. MEARES,.....Wilmington, N. C.

SOLICITOR.

BENJAMIN R. MOORE,.....Wilmington, N. C.

GENERAL ASSEMBLY.

CONVENES IN THE CITY OF RALEIGH ON THE FIRST WEDNESDAY AFTER THE FIRST MONDAY IN JANUARY.

SENATE.

J. L. ROBINSON, Lieutenant-Governor, President.

DIST.	COUNTIES.	NAME OF SENATORS.	RESIDENCES.	
1	Currituck, Camden, Pasquotank, Hertford, Gates, Chowan, Perquimans,....	George H. Mitchell,	Winton,	N. C.
2	Tyrrell, Washington, Martin, Dare, Beaufort, and Hyde,.....	R. White,	Belvidere,	"
3	Northampton and Bertie,.....	J. T. Respass,	Yeatesville,	"
4	Halifax,.....	J. T. Waldo,	Hamilton,	"
5	Edgecombe,.....	G. D. Hollenan,	Jackson,	"
6	Pitt,.....	Henry Eppes,	Halifax,	"
7	Wilson, Nash and Franklin,.....	Frank D. Dancy,	Tarboro,	"
8	Craven,.....	E. A. Moye,	Farmville,	"
9	Jones, Onslow and Carteret,.....	W. S. Harris,	Pacific,	"
10	Wayne and Duplin,.....	R. W. King,	Wilson,	"
11	Lenoir and Greene,.....	Edward Bull,	Woodbridge,	"
12	New Hanover,.....	J. W. Shackelford,	Richlands,	"
		W. T. Dortch,	Goldsboro,	"
		J. A. Bryan,	Kenansville,	"
		W. P. Ormand,	Hookerton,	"
		R. K. Bryan,	Wilmington,	"

REGISTER OF STATE OFFICERS.

SENATE.—(Continued.)

DIS.	COUNTIES.	NAME OF SENATORS.	RESIDENCES.	N. C.
13	Brunswick and Bladen,	Asa Ross,	Cordova,	"
14	Samson,	Robinson Ward,	Blackman's Mills,	"
15	Columbus and Robeson,	D. P. McEachern,	Shoe Heel,	"
16	Cumberland and Harnett,	N. S. Stewart,	Averasboro,	"
17	Johnston,	L. R. Waddell,	Smithfield,	"
18	Wake,	Geo. H. Snow,	Raleigh,	"
19	Warren,	Isaac Alston,	Warrenton,	"
20	Person, Orange and Caswell,	Giles Mebane,	Milton,	"
21	Granville,	George Williamson,	Yanceyville,	"
22	Chatham,	E. E. Lyon,	Dutchville,	"
23	Rockingham,	A. H. Merritt,	Pittsboro,	"
24	Alamance and Guilford,	J. P. Dillard,	Leaksville,	"
25	Randolph and Moore,	J. I. Scales,	Greensboro,	"
26	Richmond and Montgomery,	D. F. Caldwell,	"	"
27	Anson and Union,	W. M. Black,	Carthage,	"
28	Cabarrus and Stauly,	George A. Graham,	Wadesville,	"
29	Mecklenburg,	C. Austin,	Monroe,	"
30	Rowan and Davie,	J. M. Redwine,	Albemarle,	"
31	Davidson,	S. B. Alexander,	Charlotte,	"
32	Stokes and Forsythe,	J. S. Henderson,	Salisbury,	"
33	Surry and Yadkin,	J. M. Leach,	Lexington,	"
34	Iredell, Wilkes and Alexander,	G. B. Everett,	Winston,	"
		J. M. Brower,	Mount Airy,	"
		T. A. Nicholson,	Nicholson's Mills,	"
		J. P. Matheson,	Taylorsville,	"

35	Alleghany, Ashe and Watauga,.....	J. Bledsoe,.....	Nathan Creek,	N. C.
36	Caldwell, Burke, McDowell, Mitchell { and Yancey,.....	J. G. Bynum,.....	Morganton,	"
37	Catawba and Lincoln,.....	A. M. Erwin,.....	Marion,	"
38	Gaston and Cleaveland,.....	W. A. Graham,.....	Iron Station,	"
39	Rutherford and Polk,.....	L. J. Hoyle,.....	Black Rock,	"
40	Buncombe and Madison,.....	J. B. Eaves,.....	Rutherfordton,	"
41	Haywood, Henderson and Transylvania,.....	T. F. Davidson,.....	Asheville,	"
42	Jackson, Swain, Clay, Macon, Cherokee { and Graham,.....	T. W. Taylor,.....	Hendersonville,	"
		J. L. Robinson,*	Franklin,	"

*Elected Lieutenant Governor.

HOUSE OF REPRESENTATIVES.

JOHN M. MORING, Chatham County, Speaker.

COUNTIES.	NAMES OF MEMBERS.	POST OFFICES.
Alamance,.....	B. F. Mebane,.....	Mebanesville.
Alexander,.....	J. M. Carson,.....	Taylorsville.
Alleghany,.....	E. L. Vaughan,.....	Gap Civil.
Anson,.....	J. A. Lockhart,.....	Wadesboro.
Ashe,.....	J. E. Foster,.....	Jefferson.
Beaufort,.....	S. F. Osborne,.....	Fork Swamp.
Bertie,.....	W. C. Etheridge,.....	Coleraine.
Bladen,.....	John Newell,.....	Clarkton.
Brunswick,.....	A. C. Meares,.....	Shallotte.
Buncombe,.....	Nat Atkinson,.....	Asheville.
Buncombe,.....	M. E. Carter,.....	Asheville.
Burke,.....	B. H. Berry,.....	Morganton.
Cabarrus,.....	W. H. Orchard,.....	Concord.
Caldwell,.....	Edmund Jones,.....	Patterson.
Camden,.....	S. J. Forbes,.....	Shilo.
Carteret,.....	A. H. Chadwick,.....	Beaufort.
Caswell,.....	Wilson Carey,.....	Fitch's Store.
Caswell,.....	T. S. Harrison,.....	Purley.
Catawba,.....	R. B. Davis,.....	Hickory.
Chatham,.....	J. J. Goldston,.....	Egypt.
Cherokee,.....	R. B. Bruce,.....	Notla.
Chowan,.....	H. H. Hobbs,.....	Wardsville.
Clay,.....	J. S. Anderson,.....	Haysville.
Cleaveland,.....	L. E. Powers,.....	Shelby.
Columbus,.....	V. V. Richardson,.....	Whiteville.
Craven,.....	W. E. Clarke,.....	New Berne.
Craven,.....	W. D. Pettipher,.....	New Berne.
Currituck,.....	J. M. Woodhouse,.....	Poplar Branch.
Cumberland,.....	J. C. Blocker,.....	Cedar Creek.
Cumberland,.....	T. S. Lutterloh,.....	Fayetteville.
Dare,.....	G. L. Fulcher,.....	Cape Hatteras.
Davidson,.....	J. C. Miller,.....	Denton.

HOUSE OF REPRESENTATIVES—(*Continued*).

COUNTIES.	NAMES OF MEMBERS.	POST OFFICES.
Davidson,.....	G. F. Smith,.....	Linwood.
Davie,.....	F. M. Johnston,.....	Farmington.
Duplin,.....	A. S. Colwell,.....	Harrell's Store, Sampson.
Duplin,.....	G. W. Lamb,.....	Wallace.
Edgecombe,.....	C. W. Battle,.....	Battleboro.
Edgecombe,.....	D. Wimberly,.....	Tarboro.
Forsythe,.....	W. A. Lowrey,.....	Winston.
Franklin,.....	C. M. Cooke,.....	Louisburg.
Gaston,.....	H. B. Huffstetler,.....	Wooten Station.
Gates,.....	John J. Gatling,.....	Gatlington.
Granville,.....	Rufus Amis,.....	Buchanan.
Granville,.....	J. E. Burroughs,.....	Henderson.
Greene,.....	W. T. Dixon,.....	Hookerton.
Guilford,.....	J. A. McLean,.....	McLeansville.
Guilford,.....	C. J. Wheeler,.....	Deep River.
Halifax,.....	J. T. Reynolds,.....	Enfield.
Halifax,.....	J. A. White,.....	Scotland Neck.
Harnett,.....	C. H. Coffield,.....	Winslow.
Haywood,.....	F. M. Davis,.....	Iron Duff.
Henderson,.....	T. F. Bird,.....	Mills River.
Hertford,.....	J. J. Horton,.....	St. John's.
Hyde,.....	Theo. P. Bonner,.....	Engelhard.
Iredell,.....	J. D. Click,.....	Elm Wood.
Iredell,.....	Dr. J. McCorkle,.....	Moorsville.
Jackson,.....	F. H. Leatherwood,.....	Webster.
Johnston,.....	E. A. Bizzell,.....	Harper's.
Johnston,.....	E. J. Holt,.....	Princeton.
Jones,.....	C. D. Foy,.....	Maysville.
Lenoir,.....	Wm. W. Dunn,.....	Kinston.
Lincoln,.....	B. C. Cobb,.....	Lincolnton.
Macon,.....	John Reid,.....	Franklin.
Madison,.....	D. F. Davis,.....	Marshall.
Martin,.....	H. D. Roberson,.....	Robersonville.
McDowell,.....	J. F. Reid,.....	Old Fort.
Mecklenburg,.....	W. E. Ardrey,.....	Pineville.
Mecklenburg,.....	J. L. Brown,.....	Charlotte.
Mitchell,.....	S. W. Blalock,.....	Ledger.
Montgomery,.....	W. T. H. Ewing,.....	Sulphur Springs.

HOUSE OF REPRESENTATIVES—(Continued).

COUNTIES.	NAMES OF MEMBERS.	POST OFFICES.
Moore,.....	Neill Leach,.....	Big Oak.
Nash,.....	G. N. Lewis,.....	Nashville.
New Hanover,.....	H. E. Scott,.....	Wilmington.
New Hanover,.....	W. H. Waddell,.....	Wilmington.
Northampton,.....	J. W. Grant,.....	Garysburg.
Onslow,.....	C. S. Hewett,.....	Maysville, Jones county.
Orange,.....	M. E. Angier,.....	Durham.
Orange,.....	Josiah Turner,.....	Hillsboro.
Pasquotank,.....	Hugh Cale,.....	Elizabeth City.
Pender,.....	T. J. Armstrong,.....	Rocky Point.
Perquimans,.....	I. S. Blaisdell,.....	Hertford.
Person,.....	Montfort McGehee,.....	Cunningham's Store.
Pitt,.....	Germain Bernard,.....	Greenville.
Pitt,.....	D. C. Moore,.....	Bethel.
Polk,.....	N. Dimsdale,.....	Dimsdale.
Randolph,.....	L. G. B. Bingham,.....	Jackson's Creek.
Randolph,.....	N. C. English,.....	Bush Hill.
Richmond,.....	D. M. Henderson,.....	Hamlet.
Robeson,.....	R. M. Norment,.....	Lumberton.
Robeson,.....	A. C. Oliver,.....	Fair Bluff.
Rockingham,.....	W. R. Lindsay,.....	Pleasantville.
Rockingham,.....	T. L. Rawley,.....	Ruffin.
Rowan,.....	D. Barringer,.....	Salisbury.
Rowan,.....	H. C. Bost,.....	South River.
Rutherford,.....	Nathan Young,.....	Brittain.
Sampson,.....	L. R. Carroll,.....	Clinton.
Sampson,.....	J. C. Hines,.....	Clinton.
Stanly,.....	Daniel Ritchey,.....	Gold Hill.
Stokes,.....	S. Venable,.....	Pilot Mt.
Surry,.....	N. P. Foard,.....	Elkin.
Swain,.....	T. D. Bryson,.....	Charleston.
Transylvania,.....	J. H. Paxton,.....	Cherry Field.
Tyrrell,.....	W. G. Melson,.....	Fort Landing.
Union,.....	D. A. Covington,.....	Monroe.
Wake,.....	Stewart Ellison,.....	Raleigh.
Wake,.....	J. J. Ferrell,.....	Fish Dam.
Wake,.....	W. E. Richardson,.....	Eagle Rock.
Wake,.....	R. W. Wynne,.....	Neuse.

HOUSE OF REPRESENTATIVES—(*Continued*).

COUNTIES.	NAMES OF MEMBERS.	POST OFFICES.
Warren,.....	H. W. Carter,.....	Warrenton.
Warren,.....	L. T. Christmas,	Warrenton.
Washington,.....	J. M. Bateman,.....	Plymouth.
Watauga,.....	W. B. Council,.....	Boone.
Wayne,.....	G. C. Buchan,.....	Jerico.
Wayne,.....	W. A. Deanes,.....	Goldsboro.
Wilkes,.....	L. Harrell,.....	Brier Creek.
Wilkes,.....	Tyre York,.....	Trap Hill.
Wilson,.....	J. M. Taylor,.....	Wilson.
Yadkin,.....	B. R. Brown,.....	Hamptonville.
Yancey,.....	D. G. Carter,.....	Bald Creek.

B

LIST
OF
Commissioners of Affidavits,
IN THE
SEVERAL STATES AND TERRITORIES,
AND IN THE
DISTRICT OF COLUMBIA,
FOR THE
STATE OF NORTH CAROLINA.

LIST OF COMMISSIONERS OF AFFIDAVITS, &C.,

FOR THE

STATE OF NORTH CAROLINA.

List of Commissioners of Affidavits in the Several States and Territories, and in the District of Columbia for the State of North Carolina, together with residence, dates of appointment and date of qualification. Commissions expire two years after date of appointment.

COMMISSIONERS OF AFFIDAVITS.

XXI

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTM'T.	DATE OF QUALIFICATION.
Connecticut,	S. Arthur Marsden,	New Haven,	March	5, 1878
"	Francis H. Parker,	Hartford,	January	31, 1879
District of Columbia,	Jno. C. Starkweather,	Washington,	September	6, 1877
"	Jos. T. K. Plant,	"	March	17, 1879
Florida,	W. P. Byrd,	Micosukee,	January	5, 1878
Georgia,	Thos. J. Perry,	Rome,	February	2, 1877
"	Wm. B. Adams,	Savannah,	June	24, 1878
"	Henry C. Williams,	Way Cross,	September	16, 1878
Illinois,	John W. Burroughs,	Savannah,	March	8, 1879
Louisiana,	Philip A. Hayne,	Chicago,	December	18, 1878
"	Andrew Hero,	New Orleans,	"	21, 1878
"	J. G. Eustis,	"	January	16, 1879
Maryland,	Fred. Adolph,	"	"	24, 1879
	Ph. H. Hoffman,	Baltimore,	December	28, 1877

LIST OF COMMISSIONERS OF AFFIDAVITS.—(Continued.)

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTM'T.	DATE OF QUALIFICATION.
Maryland,	G. Erett Reardan,	Baltimore	January 14, 1878	January 16, 1878
"	Henry R. Dulany,	"	February 20, 1878	March 5, 1878
"	Chas. N. West,	"	May 10, 1878	May 14, 1878
"	Joseph T. Atkinson,	"	" 27, 1878	" 27, 1878
Massachusetts,	Murray Hanson,	"	August 5, 1878	August 7, 1878
"	Edward J. Jones,	Boston,	April 23, 1878	April 25, 1878
"	Jas. W. Chapman,	"	December 9, 1878	December 12, 1878
"	Jas. B. Bell,	"	" 22, 1878	" 23, 1878
Mississippi,	Samuel Jennison,	"	" 20, 1878	" 23, 1878
"	Newman Cayce,	Fulton,	October 7, 1878	October 14, 1878
Missouri,	H. P. Turner,	Winona,	November 9, 1878	November 11, 1878
Nevada,	John W. Hodgkin,	St. Louis,	" 9, 1878	December 12, 1878
New Jersey,	Chas. J. Boskowitz,	Carson City,	" 2, 1878	November 2, 1878
"	H. J. Stratenmyer, Jr.,	Elizabeth,	February 10, 1878	February 14, 1878
New York,	Wm. J. Lyon,	Jersey City,	December 12, 1878	December 16, 1878
"	Chas. W. Anderson,	New York City,	April 13, 1877	April 16, 1877
"	Chas. Edgar Mills,	"	" 14, 1877	" 16, 1877
"	W. H. Bowers,	"	" 20, 1877	" 23, 1877
"	Eleazer Jackson,	"	May 2, 1877	May 10, 1877
"	Edward W. Francis,	"	" 28, 1877	" 31, 1877
"	James Taylor,	"	" 28, 1877	June 1, 1877
"	Philo White,	Whitestown,	" 28, 1877	" 18, 1877
"	N. Pendleton Schenck,	New York City,	June 23, 1877	" 26, 1877

New York,	Benj. F. Hillery,	New York City,	June	11, 1877	June	11, 1877
"	J. C. Laurence,	"	October	11, 1877	October	17, 1877
"	Geo. M. Elwood,	Rochester,	November	12, 1877	November	15, 1877
"	Bartholomew Skaats,	New York City,	December	17, 1877	December	19, 1877
"	L. Fucot,	"	"	22, 1877	"	28, 1877
"	Wm. B. Millard,	New Hamburg,	January	29, 1878	February	1, 1878
"	Frank Saunders,	New York City,	February	7, 1878	"	9, 1878
"	Louis Beckhardt,	"	"	7, 1878	"	27, 1878
"	Francis P. Burke,	"	"	27, 1878	"	28, 1878
"	Aug's Buckingham,	"	March	22, 1878	March	25, 1878
"	Thos. B. Clifford,	"	April	8, 1878	April	11, 1878
"	Richard M. Bruno,	"	"	26, 1878	"	25, 1878
"	Wm. Menzier Adams,	Brooklyn,	May	1, 1878	May	3, 1878
"	Spencer C. Doty,	New York City,	"	9, 1878	"	17, 1878
"	W. E. Osborn,	Brooklyn,	August	8, 1878	August	10, 1878
"	Geo. R. Jaques,	New York City,	September	2, 1878	September	4, 1878
"	James E. Halsey,	"	July	3, 1878	"	26, 1878
"	Joseph B. Nones,	"	October	8, 1878	October	18, 1878
"	C. E. Peirce,	"	November	2, 1878	December	12, 1878
"	A. C. Anderson,	"	December	11, 1878	"	13, 1878
"	Thos. Kilvert,	"	"	9, 1878	"	16, 1878
"	Jacob De Bois,	"	"	22, 1878	"	24, 1878
"	Charles H. Hatch,	"	"	30, 1878	January	3, 1879
"	Henry C. Banks,	"	January	14, 1879	"	16, 1879
"	Wm. F. Lett,	"	"	20, 1879	"	22, 1879
"	Chas. Nettleson,	"	"	1, 1879	"	28, 1879
"	E. D. Grant,	"	"	30, 1879	February	3, 1879
"	A. H. Nones,	"	February	3, 1879	"	7, 1879
"	Albert Fetzter, Jr.,	"	"	11, 1879	"	14, 1879
"	Edwin F. Carey,	"	"	7, 1879	"	10, 1879
"	Emanuel B. Hart,	"	"	12, 1879	"	14, 1879

LIST OF COMMISSIONERS OF AFFIDAVITS.—(Continued.)

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTM'T.	DATE OF QUALIFICATION.
New York,	Geo. F. Lincoln,	New York City,	February 12, 1879	February 17, 1879
"	Moses B. Maclay,	"	March 13, 1879	March 20, 1879
"	Chas. T. Bruen,	"	" 24, 1879	" 26, 1879
"	Henry Bischoff,	"	" 13, 1879	" 27, 1879
"	John A. Hillery,	"	April 3, 1879	April 3, 1879
"	Frank E. Wiggins,	Brooklyn,	March 28, 1879	" 1, 1879
"	Eleazer Jackson,	New York City,	April 16, 1879	" 7, 1879
Ohio,	Geo. O. Newman,	Portsmouth,	July 10, 1877	July 13, 1877
"	S. S. Carpenter,	Cincinnati,	January 22, 1879	January 22, 1879
Ontario,	Britton B. Osler,	Hamilton,	June 16, 1877	July 3, 1877
Pennsylvania,	Lewin W. Barringer,	Philadelphia,	October 17, 1877	November 23, 1877
"	Thos. J. Hunt,	"	November 9, 1877	" 12, 1877
"	Henry E. Garsed,	"	January 26, 1878	January 28, 1878
"	William F. Robb,	"	February 11, 1878	February 14, 1878
"	Jos. C. Perot,	"	March 27, 1878	May 17, 1878
"	Benj. Teller,	"	May 29, 1878	June 3, 1878
"	Wm. Knight Shryock,	"	November 9, 1878	November 13, 1878
"	Samuel L. Taylor,	"	December 11, 1878	December 13, 1878
"	Chas. Chauncey,	"	" 17, 1878	" 19, 1878
"	Edward Shipper,	"	" 12, 1878	" 13, 1878
"	John Sparhawk,	"	" 16, 1878	" 20, 1878
"	Kinly J. Tener,	"	" 20, 1878	" 24, 1878
"	Theo. D. Rand,	"	" 9, 1878	" 26, 1878

Pennsylvania,	Alexander Ramsey,	Philadelphia,	December	27, 1878	January	7, 1879
"	W. G. Griffith,	"	January	25, 1879	"	27, 1879
"	H. E. Hindmarsh,	"	March	29, 1879	February	3, 1879
South Carolina,	J. Frankish, Jr.,	Charleston,	April	13, 1879	March	17, 1879
"	Aug. E. Cohen,	Seneca City,	November	2, 1877	April	5, 1877
"	John M. Dumas,	Orangeburg,	"	6, 1877	November	9, 1877
"	John L. Heidtman,	Union,	"	16, 1877	"	19, 1877
"	Charles Bolt,	Williamston,	"	11, 1878	"	16, 1878
"	A. H. Ford,	Spartanburgh,	"	11, 1878	"	19, 1878
"	Geo. W. Nicholls,	Charleston,	January	30, 1878	December	2, 1878
"	Thos. Frost,	Yorkville,	"	24, 1879	January	24, 1879
"	G. W. S. Hart,	Memphis,	April	27, 1879	"	29, 1879
Tennessee,	Jas. E. Temple,	"	February	20, 1878	April	20, 1878
"	Hurnsdon Carey,	Brenham,	October	20, 1879	February	22, 1879
Texas,	A. Jeffries,	Dauville,	April	4, 1877	November	29, 1877
Virginia,	H. J. Miller,	"	May	28, 1877	May	3, 1877
"	J. G. Shackelford,	Norfolk,	August	21, 1877	"	22, 1877
"	W. J. Baker,	Portsmouth,	August	10, 1877	August	14, 1877
"	E. R. Hunter,	Richmond,	November	10, 1877	December	8, 1877
"	J. Booton Hill,	Danville,	February	11, -1878	February	13, 1878
"	C. M. Hutchings,	"	April	10, 1878	April	20, 1878
"	Thos. Hagdin,	Amelia C. H.,	"	16, 1878	"	23, 1878
"	Wm. C. Booth,	Norfolk,	July	8, 1878	July	24, 1878
"	L. D. Starke,	"	November	28, 1878	November	28, 1878
"	W. B. Martin,	"	"	28, 1878	"	29, 1878
"	T. R. Borland,	Petersburg,	December	17, 1878	December	19, 1878
"	Alex. Donnan,	Danville,	January	11, 1879	January	11, 1879
"	L. C. Berkely,	Richmond,	"	13, 1879	"	21, 1879
"	E. M. Garnett,	Norfolk,	"	29, 1879	"	29, 1879
"	W. G. Elliott,	"	"	22, 1879	"	31, 1879
"	John C. Baker,	"	"	21, 1879	"	31, 1879

LIST OF COMMISSIONERS OF AFFIDAVITS—(Continued.)

STATE OR TERRITORY.	NAMES.	RESIDENCE.	DATE OF APPOINTMENT.	DATE OF QUALIFICATION.
Virginia,	Wilbur J. Kilby,	Suffolk,	February 1, 1879	February 4, 1879
"	L. J. Cobb,	Danville,	March 24, 1879	March 25, 1879
"	M. H. Jennings,	"	" 29, 1879	April 2, 1879
Wisconsin,	Francis Bloodgood,	Milwaukee,	January 31, 1878	March 27, 1878

STATE OF NORTH CAROLINA,

OFFICE SECRETARY OF STATE.

RALEIGH, April 21, 1879.

I, WILLIAM L. SAUNDERS, Secretary of State, hereby certify that the foregoing contains a correct list of the appointments of Commissioners of Affidavits and Probate of Deeds, with the dates of their appointment and places of residence, as recorded in this office.

W. L. SAUNDERS,
Secretary of State.

CAPTIONS
OF THE
PUBLIC LAWS,
SESSION 1879.

CAPTIONS

OF THE

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CONSTITUTION
OF THE
STATE OF NORTH CAROLINA,
AS AMENDED BY THE
CONSTITUTIONAL CONVENTION OF 1875.

CONSTITUTION
OF THE
STATE OF NORTH CAROLINA,
AS AMENDED BY THE
CONSTITUTIONAL CONVENTION OF 1875.

PREAMBLE.

We, the people of the State of North Carolina, grateful ^{Preamble.} to Almighty God, the Sovereign Ruler of nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this constitution :

ARTICLE I.

DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and government of the United States, and those of the people of this State to the rest of the American people may be defined and affirmed, we do declare :

SECTION 1. That we hold it to be self-evident that all ^{The equality and rights of men.} men are created equal ; that they are endowed by their

Creator with certain unalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Political power and government.

SEC. 2. That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Internal government of the State.

SEC. 3. That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their constitution and form of government whenever it may be necessary for their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

That there is no right to secede.

SEC. 4. That this State shall ever remain a member of the American Union; that the people thereof are part of the American nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or to sever said nation, ought to be resisted with the whole power of the State.

Of allegiance to the U. S. government.

SEC. 5. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof, can have any binding force.

Public debt.

SEC. 6. The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave.

Exclusive emoluments, &c.

SEC. 7. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

The Legislative, Executive and judicial powers distinct.

SEC. 8. The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other.

SEC. 9. All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised. Of the power of suspending laws.

SEC. 10. All elections ought to be free. Elections free.

SEC. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defence, and not be compelled to give evidence against himself or to pay costs, jail fees, or necessary witness fees of the defence, unless found guilty. In criminal prosecutions.

SEC. 12. No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment or impeachment. Answers to criminal charges.

SEC. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal. Right of jury.

SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. Excessive bail.

SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted. General warrants.

SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud. Imprisonment for debt.

SEC. 17. No person ought to be taken, imprisoned or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person to be taken, &c., but by law of the land.

SEC. 18. Every person restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, Persons restrained of liberty.

and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

Controversies at law respecting property.

SEC. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

Freedom of the press.

SEC. 20. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

Habeas corpus.

SEC. 21. The privileges of the writ of *habeas corpus* shall not be suspended.

Property qualification.

SEC. 22. As political rights and privileges are not dependent upon, or modified by property, therefore no property qualification ought to affect the right to vote or hold office.

Representation and taxation.

SEC. 23. The people of the State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly, freely given.

Militia and the right to bear arms.

SEC. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace, are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

Right of the people to assemble together.

SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

Religious liberty.

SEC. 26. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any

case whatever, control or interfere with the rights of conscience.

SEC. 27. The people have the right to the privilege of Education. education, and it is the duty of the State to guard and maintain that right.

SEC. 28. For redress of grievances, and for amending Elections should be frequent. and strengthening the laws, elections should be often held.

SEC. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of Recurrence to fundamental principles. liberty.

SEC. 30. No hereditary emoluments, privileges or hon- Hereditary emoluments, &c. ors ought to be granted or conferred in this State.

SEC. 31. Perpetuities and monopolies are contrary to Perpetuities, &c. the genius of a free State, and ought not to be allowed.

SEC. 32. Retrospective laws, punishing acts committed Ex post facto laws. before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty, wherefore no *ex post facto* law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

SEC. 33. Slavery and involuntary servitude, otherwise Slavery prohibited. than for crime, whereof the parties shall have been duly convicted, shall be, and are hereby, forever prohibited within the State.

SEC. 34. The limits and boundaries of the State shall State boundaries. be and remain as they now are.

SEC. 35. All Courts shall be open ; and every person for Courts shall be open. an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

SEC. 36. No soldier shall in time of peace be quartered Soldiers in time of peace. in any house without the consent of the owner ; nor in time of war, but in a manner prescribed by law.

SEC. 37. This enumeration of rights shall not be construed to impair or deny others retained by the people ; Other rights of the people. and all powers not herein delegated, remain with the people.

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ARTICLE II.

LEGISLATIVE DEPARTMENT.

Two branches.

SECTION 1. The Legislative authority shall be vested in two distinct branches, both dependent on the people, to-wit: A Senate and House of Representatives.

Time of assembling.

SEC. 2. The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and when assembled shall be denominated the General Assembly. Neither House shall proceed upon public business unless a majority of all the members are actually present.

Number of Senators.

SEC. 3. The Senate shall be composed of fifty Senators, biennially chosen by ballot.

Regulations in relation to districting the State for Senators.

SEC. 4. The Senate Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators.

Regulations in relation to apportionment of Representatives.

SEC. 5. The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the Districts for the Senate are hereinbefore directed to be laid off.

Ratio of representation.

SEC. 6. In making the apportionment in the House of

Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio, there shall be assigned one Representative; to each county containing twice but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

SEC. 7. Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the District for which he is chosen, one year immediately preceding his election. Qualifications for Senators.

SEC. 8. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen, for one year immediately preceding his election. Qualifications for Representatives.

SEC. 9. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce*. Election of officers.

SEC. 10. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case. Powers in relation to divorce and alimony.

SEC. 11. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same. Private laws in relation to names of persons, &c.

Thirty days' notice shall be given anterior to passage of private laws.

SEC. 12. The General Assembly shall not pass any private law, unless it shall be made to appear thirty days' notice of application to pass such a law shall have been given, under such direction, and in such manner as shall be provided by law.

Vacancies.

SEC. 13. If vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.

Revenue.

SEC. 14. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly, and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third reading of the bill shall have been entered on the Journal.

Entails.

SEC. 15. The General Assembly shall regulate entails in such manner as to prevent perpetuities.

Journals.

SEC. 16. Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Protest.

SEC. 17. Any member of either House may dissent from, and protest against, any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journal.

Officers of the House.

SEC. 18. The House of Representatives shall choose their own speaker and other officers.

President of the Senate.

SEC. 19. The Lieutenant Governor shall preside in the Senate, but shall have no vote unless it may be equally divided.

Other Senatorial officers.

SEC. 20. The Senate shall choose its other officers and also a Speaker (*pro tempore*) in the absence of the Lieuten-

ant Governor, or when he shall exercise the office of Governor.

SEC. 21. The style of the acts shall be: "The General Assembly of North Carolina do enact." Style of the acts.

SEC. 22. Each House shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day, or other place. Powers of the General Assembly.

SEC. 23. All bills and resolutions of a legislative nature shall be read three times in each House, before they pass into laws; and shall be signed by the presiding officers of both Houses. Bills and resolutions to be read three times, &c.

SEC. 24. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives. Oath for members.

SEC. 25. The terms of office for Senators and members of the House of Representatives shall commence at the time of their election. Terms of office.

SEC. 26. Upon motion made and seconded in either House, by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals. Yeas and nays.

SEC. 27. The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections. Election for members of the General Assembly.

SEC. 28. The members of the General Assembly for the term for which they have been elected, shall receive as a compensation for their services the sum of *four dollars* per Pay of members and officers of the General Assembly.

Extra session.

day for each day of their session, for a period not exceeding sixty days; and should they remain longer in session, they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two Houses shall be six dollars per day and mileage. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty days.

ARTICLE III.

EXECUTIVE DEPARTMENT.

Officers of the Executive Department.

Terms of Office.

Qualifications of

SECTION 1. The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State, a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, and an Attorney General, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: *Provided*, That the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from after the first day of January.

SEC. 2. No person shall be eligible as Governor or Lieu-

tenant Governor, unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant Governor or President of the Senate.

SEC. 3. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both Houses of the General Assembly. The persons having the highest number of votes respectively shall be declared duly elected; but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly, in such manner as shall be prescribed by law.

SEC. 4. The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor to which he has been elected.

SEC. 5. The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

SEC. 6. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for

Governor and
Lieutenant Gov-
ernor.

Returns of elec-
tions.

Oath of office for
Governor.

Duties of Gov-
ernor.

Reprieves, com-
mutations and
pardons.

all offences (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon or reprieve, and the reasons therefor.

Annual reports from officers of Executive Department and of Public Institutions.

SEC. 7. The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Commander-in-Chief.

SEC. 8. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

Extra sessions of General Assembly.

SEC. 9. The Governor shall have power on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

Officers whose appointments are not otherwise provided for.

SEC. 10. The Governor shall nominate, and by and with the advice and consent of a majority of the Senators elect, appoint all officers, whose offices are established by this Constitution, and whose appointments are not otherwise provided for.

Duties of the Lieutenant Governor.

SEC. 11. The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall, whilst acting as President of the Senate, receive for his services the same pay which shall, for the same period, be allowed to the Speaker of

the House of Representatives; and he shall receive no other compensation except when he is acting as Governor.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in anywise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor until the disabilities shall cease, or a new Governor shall be elected and qualified. In every case in which the Lieutenant Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the Government, the Secretary of State shall convene the Senate, that they may elect such President.

In case of impeachment of Governor, or vacancy caused by death or resignation.

SEC. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction and Attorney General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this Article.

Duties of other Executive officers

SEC. 14. The Secretary of State, Auditor, Treasurer and Council of State.

Superintendent of Public Instruction shall constitute, *ex officio*, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a Journal, to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such Journal shall be placed before the General Assembly when called for by either House. The Attorney General shall be, *ex officio*, the legal adviser of the Executive Department.

Compensation of
Executive officers.

SEC. 15. The officers mentioned in this article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Seal of State.

SEC. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "the Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "the Great Seal of the State," signed by the Governor and countersigned by the Secretary of State.

Department of
Agriculture, Im-
migration and
Statistics.

SEC. 17. The General Assembly shall establish a Department of Agriculture, Immigration and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

ARTICLE IV.

JUDICIAL DEPARTMENT.

SECTION 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action, for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against a person charged with a public offence, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the fact at issue tried by order of Court before a jury.

Abolishes the distinction between actions at law and suits in equity.

Feigned issues abolished.

SEC. 2. The judicial power of the State shall be vested in a Court for the trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other Courts inferior to the Supreme Court as may be established by law.

Division of Judicial powers.

SEC. 3. The Court for the trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

Trial Court of Impeachment.

SEC. 4. The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached the Chief-Justice shall preside.

Impeachment.

SEC. 5. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No con-

Treason against the State.

viction of treason or attainder shall work corruption of blood or forfeiture.

Supreme Court
Justices.

SEC. 6. The Supreme Court shall consist of a Chief Justice and two Associate Justices.

Terms of the Supreme Court.

SEC. 7. The terms of the Supreme Court shall be held in the city of Raleigh, as now, until otherwise provided by the General Assembly.

Jurisdiction of
Supreme Court.

SEC. 8. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdiction of said Court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

Claims against the
State.

SEC. 9. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Judicial Districts
for Superior
Courts.

SEC. 10. The State shall be divided into nine judicial districts, for each of which a Judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts.

Residences of
Judges. Rotation
in Judicial Dis-
tricts. And Spe-
cial Terms.

SEC. 11. Every Judge of the Superior Court shall reside in the district for which he is elected. The Judges shall preside in the Courts of the different districts successively, but no Judge shall hold the Courts in the same district oftener than once in four years, but in case of the protracted illness of the Judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Gov-

ernor may require any Judge to hold one or more specified terms in said district, in lieu of the Judge assigned to hold the Courts of the said district.

SEC. 12. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction, which does not pertain to the Supreme Court, among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals; and regulate by law when necessary, the methods of proceeding in the exercise of their powers, of all the Courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this constitution.

Jurisdiction of
Courts inferior to
Supreme Court.

SEC. 13. In all issues of fact, joined in any Court, the parties may waive the right to have the same determined by a jury; in which case the finding of the Judge upon the facts shall have the force and effect of a verdict by a jury.

In case of waiver
of trial by jury.

SEC. 14. The General Assembly shall provide for the establishment of Special Courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary.

Special courts in
cities.

SEC. 15. The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.

Clerk of Supreme
Court.

SEC. 16. A Clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

Election of Super-
ior Court Clerk.

SEC. 17. Clerks of the Superior Courts shall hold their offices for four years.

Term of office.

SEC. 18. The General Assembly shall prescribe and regulate the fees, salaries and emoluments of all officers pro-

Fees, salaries and
emoluments.

vided for in this Article; but the salaries of the Judges shall not be diminished during their continuance in office.

What laws are and shall be in force.

SEC. 19. The laws of North Carolina, not repugnant to this Constitution, or the Constitution and laws of the United States, shall be in force until lawfully altered.

Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, &c.

SEC. 20. Actions at law, and suits in equity, pending when this Constitution shall go into effect, shall be transferred to the Courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending at the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

Election, terms of office, &c., of Supreme and Superior Court Judges.

SEC. 21. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may from time to time, provide by law that the Judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Transaction of business in the Superior Courts.

SEC. 22. The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

Solicitors for each Judicial District.

SEC. 23. A Solicitor shall be elected for each Judicial District by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his district.

SEC. 24. In each county a Sheriff and Coroner shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each township there shall be a Constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no Coroner in the county, the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause, in any of the offices created by this section, the Commissioners for the county may appoint to such office for the unexpired term.

Sheriffs and
Coroners.

SEC. 25. All vacancies occurring in the offices provided for by this Article of the Constitution shall be filled by the appointments of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such office shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

Vacancies.

SEC. 26. The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

Terms of office of
first officers under
this Article.

SEC. 27. The several Justices of the Peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars, or imprisonment for thirty days. And the General Assembly may give to Justices of the Peace juris-

Jurisdiction of
Justices of the
Peace.

diction of other civil actions, wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a Justice, on demand of either party thereto, he shall cause a jury of six men to be summoned who shall try the same. The party against whom judgment shall be rendered in any civil action, may appeal to the Superior Court from the same. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his county.

Vacancies in office
of Justices.

SEC. 28. When the office of Justice of the Peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any District to elect, the Clerk of the Superior Court for the County shall appoint to fill the vacancy for the unexpired term.

Vacancies in office
of Superior Court
Clerk.

SEC. 29. In case the office of Clerk of a Superior Court for a County shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the Judge of the Superior Court for the County shall appoint to fill the vacancy until an election can be regularly held.

Officers of other
Courts inferior to
Supreme Court.

SEC. 30. In case the General Assembly shall establish other Courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Removal of Judges
of the various
Courts for in-
ability.

SEC. 31. Any Judge of the Supreme Court, or of the Superior Courts, and the presiding officers of such Courts inferior to the Supreme Court as may be established by law may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both houses of the General Assembly. The Judge or presiding officer, against whom the General Assembly may be about to proceed, shall receive notice thereof,

accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.

SEC. 32. Any Clerk of the Supreme Court, or of the Superior Courts, or of such Courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the Clerk of the Supreme Court by the Judges of said Courts, the Clerks of the Superior Courts by the Judge riding the district, and the Clerks of such courts inferior to the Supreme Court as may be established by law, by the presiding officers of said Courts. The Clerk against whom proceedings are instituted, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and the Clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court, as provided in other cases of appeals.

Removal of clerks
of the various
Courts for in-
ability.

SEC. 33. The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled, or held, by virtue of any election or appointment under the said Constitution, and the laws of the State made in pursuance thereof.

Amendments not
to vacate existing
offices.

ARTICLE V.

REVENUE AND TAXATION.

SECTION 1. The General Assembly shall levy a capita-
tion tax on every male inhabitant of the State over
twenty-one and under fifty years of age, which shall be

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Exemptions.

equal on each to the tax on property valued at three hundred dollars in cash. The Commissioners of the several counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and county capitation tax combined shall never exceed two dollars on the head.

Application of proceeds of State and County capitation tax.

SEC. 2. The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent. thereof be appropriated to the latter purpose.

Taxation shall be by uniform rule and ad valorem.

SEC. 3. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise; and, also, all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions, franchises, and incomes, provided that no income shall be taxed when the property from which the income is derived is taxed.

Restrictions upon the increase of the public debt, except in certain contingencies.

SEC. 4. Until the bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing ~~in~~vasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the the credit of the State in aid of any person, association, or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

Property exemptions from taxation.

SEC. 5. Property belonging to the State or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries, and property held for educational, scientific, literary, charitable, or religious

purposes; also, wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers; libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars.

SEC. 6. The taxes levied by the Commissioners of the several counties for county purposes, shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly.

Taxes levied by
County Commis-
sioners.

SEC. 7. Every act of the General Assembly levying a tax, shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

Acts levying taxes
shall state object,
&c.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years old or upward, who shall have resided in the State twelve months next preceding the election, and ninety days in the county in which he offers to vote, shall be deemed an elector. But no person, who, upon conviction or confession in open Court, shall be adjudged guilty of felony, or any other crime infamous by the laws of this State, and hereafter committed, shall be deemed an elector, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

Qualifications of
an elector.

SEC. 2. It shall be the duty of the General Assembly to provide, from time to time, for the registration of all electors; and no person shall be allowed to vote without registration, or to register, without first taking an oath or

Registration of
electors.

affirmation to support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith.

Elections by people and General Assembly.

SEC. 3. All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*.

Oath of office.

SEC. 4. Every voter, except as hereinafter provided, shall be eligible to office; but before entering upon the discharge of the duties of his office, he shall take and subscribe the following oath: "I,, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office. So help me God."

Disqualification for office.

SEC. 5. The following classes of persons shall be disqualified for office: First, All persons who shall deny the being of Almighty God. Second, All persons who shall have been convicted of treason, perjury, or of any other infamous crime, since becoming citizens of the United States, or of corruption, or mal-practice in office, unless such person shall have been legally restored to the rights of citizenship.

ARTICLE VII.

MUNICIPAL CORPORATIONS.

County officers.

SECTION 1. In each county, there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: a Treasurer, Register of Deeds, Surveyor and five Commissioners.

SEC. 2. It shall be the duty of the commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes and finances of the county, as may be prescribed by law. The Register of Deeds shall be, *ex officio*, Clerk of the Board of Commissioners.

Duty of County Commissioners.

SEC. 3. It shall be the duty of the commissioners first elected in each county, to divide the same into convenient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the General Assembly before the first day of January, 1869.

Counties to be divided into districts.

SEC. 4. Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said Districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

Said districts shall have corporate powers as Townships.

SEC. 5. In each township there shall be biennially elected, by the qualified voters thereof, a clerk and two Justices of the Peace, who shall constitute a Board of Trustees, and shall, under the supervision of the county commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of the Justices of the Peace in cities and towns, and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a School Committee, consisting of three persons, whose duty shall be prescribed by law.

Officers of Townships.

SEC. 6. The Township Board of Trustees shall assess the taxable property of their townships and make return to the County Commissioners for revision, as may be prescribed by law. The Clerk shall be, *ex officio*, treasurer of the township.

Trustees shall assess property.

SEC. 7. No county, city, town, or other municipal corporation shall contract any debt, pledge its faith, or loan its credit, nor shall any tax be levied, or collected by any

No debt or loan except by a majority of voters.

officers of the same, except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein.

Drawing of money. SEC. 8. No money shall be drawn from any county or township treasury, except by authority of law.

Taxed to be ad valorem. SEC. 9. All taxes levied by any county, city, town, or township, shall be uniform and *ad valorem*, upon all property in the same, except property exempted by this constitution.

When officers enter on duty. SEC. 10. The county officers first elected under the provisions of this Article, shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

Governor to appoint Justices. SEC. 11. The Governor shall appoint a sufficient number of Justices of the Peace in each county, who shall hold their places until sections four, five and six of this Article shall have been carried into effect.

Charters to remain in force until legally changed. SEC. 12. All charters, ordinances and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this constitution.

Debts in aid of the rebellion not to be paid. SEC. 13. No county, city, town or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

Powers of General Assembly over municipal corporations. SEC. 14. The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this Article, and substitute others in their place, except sections seven, nine and thirteen.

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. Corporations may be formed under general Corporations under general laws. laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the object of the corporations cannot be attained under general laws. All general laws and special acts, passed pursuant to this section, may be altered from time to time, or repealed.

SEC. 2. Dues from corporations shall be secured by Debts of corporations, how secured. such individual liabilities of the corporations and other means, as may be prescribed by law.

SEC. 3. The term corporation, as used in this Article, What corporations shall include. shall be construed to include all associations and joint stock companies, having any of the powers and privileges of corporations, not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued in all courts, in like cases as natural persons.

SEC. 4. It shall be the duty of the Legislature to provide Legislation to provide for organizing Cities, Towns, &c. for the organization of cities, towns and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

ARTICLE IX.

EDUCATION.

SECTION 1. Religion, morality and knowledge being Education shall be encouraged. necessary to good government and the happiness of man-

kind, schools and the means of education shall forever be encouraged.

General Assembly
shall provide for
schools.

SEC. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise, for a general and uniform system of public schools, wherein tuition shall be free or charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of either race.

Separation of the
races.

Counties to be
divided into dis-
tricts.

SEC. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section, they shall be liable to indictment.

What property
shall be devoted to
educational pur-
poses.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, and other property, now belonging to any State fund for purposes of education; also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises, that have been or hereafter may be made to the State, and not otherwise appropriated by the State, or by the term of the grant, gift or devise, shall be paid into the State treasury; and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

County School
funds.

SEC. 5. All moneys, stocks, bonds, and other property, belonging to a county school fund; also, the net proceeds from the sale of estrays; also, the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military

laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State: *Provided*, That the amount collected in each county shall be annually reported to the Superintendent of Public Instruction. Proviso.

SEC. 6. The General Assembly shall have power to provide for the election of Trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof, in anywise granted to or conferred upon the Trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time, as may be necessary and expedient for the maintenance and management of said University. Election of Trustees, and provisions for maintenance of the University.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University. Benefits of the University.

SEC. 8. The Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction and Attorney General, shall constitute a State Board of Education. Board of Education.

SEC. 9. The Governor shall be President, and the Superintendent of Public Instruction shall be Secretary of the Board of Education. President and Secretary.

SEC. 10. The Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educa- Power of Board.

tional fund of the State; but all acts, rules and regulations of said Board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed, they shall not be re-enacted by the Board.

First session of Board.

SEC. 11. The first session of the Board of Education shall be held at the capitol of the State, within fifteen days after the organization of the State government under this Constitution; the time of future meetings may be determined by the Board.

Quorum.

SEC. 12. A majority of the Board shall constitute a quorum for the transaction of business.

Expenses.

SEC. 13. The contingent expenses of the Board shall be provided by the General Assembly.

Agricultural Department.

SEC. 14. As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain, in connection with the University, a department of Agriculture, of Mechanics, of Mining, and of Normal Instruction.

Children must attend school.

SEC. 15. The General Assembly is hereby empowered to enact that every child, of sufficient mental and physical ability, shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

ARTICLE X.

HOMESTEADS AND EXEMPTIONS.

Exemption.

SECTION 1. The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be, and is hereby exempted from sale under execution, or other final process of any Court, issued for the collection of any debt.

SEC. 2. Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution, or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for the purchase of said premises. Homestead.

SEC. 3. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or one any of them. Homestead exempted from debt.

SEC. 4. The provisions of sections one and two of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises. Laborer's lien.

SEC. 5. If the owner of a homestead die, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right. Benefit of widow.

SEC. 6. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried. Property of a married female secured to her.

SEC. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband, the amount thus insured shall be paid over to the wife and children, or to the Husband may insure his life for the benefit of wife and children.

guardian, if under age, for her, or their own use, free from all the claims of the representatives of her husband, or any of his creditors.

How deed for
homestead may be
made.

SEC. 8. Nothing contained in the foregoing sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

Punishments.

Convict labor.

Proviso.

Death punish-
ment.

SECTION 1. The following punishments only shall be known to the laws of this State, viz: death, imprisonment, with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works, or highways, or other labor for public benefit, and the farming out thereof, where, and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: *Provided*, That no convict whose labor may be farmed out, shall be punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the Penitentiary Board or some officer of this State.

SEC. 2. The object of punishments being not only to sat-

isfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

SEC. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or Penitentiary, at some central and accessible point within the State. Penitentiary.

SEC. 4. The General Assembly may provide for the erection of Houses of Correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed. Houses of Correction.

SEC. 5. A House, or Houses of Refuge may be established whenever the public interest may require it, for the correction and instruction of other classes of offenders. Houses of refuge.

SEC. 6. It shall be required, by competent legislation, that the structure and superintendence of penal institutions of the State, the county jails, and city police prisons, secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell. The sexes to be separated.

SEC. 7. Beneficent provision for the poor, the unfortunate and orphan, being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement. Provision for the poor and orphans.

SEC. 8. There shall also, as soon as practicable, be measures devised by the State, for the establishment of one or more Orphan Houses, where destitute orphans may be cared for, educated, and taught some business or trade. Orphan houses.

SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates. Inebriates and idiots.

SEC. 10. The General Assembly shall provide that all Deaf mutes and insane.

the deaf mutes, the blind, and the insane of the State shall be cared for at the charge of the State.

Self-supporting.

SEC. 11. It shall be steadily kept in view by the Legislature, and the Board of Public Charities, that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

ARTICLE XII.

MILITIA.

Who are liable to militia duty.

SECTION 1. All able bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: *Provided*, That all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

Organizing, &c.

SEC. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same, when called into active service.

Governor Commander-in-Chief.

SEC. 3. The Governor shall be Commander-in-Chief, and shall have power to call out the militia to execute the law, suppress riots or insurrection, and to repel invasion.

Exemptions.

SEC. 4. The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

ARTICLE XIII.

AMENDMENTS.

SECTION 1. No Convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election, in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said Convention, it shall assemble on such day as may be prescribed by the General Assembly.

Convention, how
called.

SEC. 2. No part of the Constitution of this State shall be altered, unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

How the constitution
may be altered.

ARTICLE XIV.

MISCELLANEOUS.

SECTION 1. All indictments which shall have been found, or may hereafter be found, for any crime or offence committed before this Constitution takes effect, may be

indictments.

proceeded upon in the proper Courts, but no punishment shall be inflicted which is forbidden by this Constitution.

Penalty for fighting duel.

SEC. 2. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

Drawing money.

SEC. 3. No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

Mechanic's lien.

SEC. 4. The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

Governor to make appointments.

SEC. 5. In the absence of any contrary provision, all officers of this State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.

Seat of government.

SEC. 6. The seat of government in this State shall remain at the City of Raleigh.

Holding office.

SEC. 7. No person, who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other State, or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided*, That nothing herein contained shall extend to officers in the militia, Justices of the Peace, Commissioners of Public Charities, or commissioners for special purposes.

Intermarriage of whites and negroes prohibited.

SEC. 8. All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation inclusive, are hereby forever prohibited.

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PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA.

PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA,

SESSION 1879.

CHAPTER 1.

AN ACT TO REPEAL THE ACT OF THE SESSION OF EIGHTEEN HUNDRED AND SEVENTY-FOUR AND SEVENTY-FIVE, PROVIDING FOR TWO ADDITIONAL TERMS OF THE SUPERIOR COURT OF THE COUNTY OF WAYNE.

The General Assembly of North Carolina do enact:

SECTION 1. That the acts of the general assembly of the session of eighteen hundred and seventy-four and seventy-five, chapter fifty-seven, ratified January twenty-fifth, eighteen hundred and seventy-five, entitled "an act providing two additional terms of the superior court for the county of Wayne," is repealed. Chap. 57, acts 1874-75, repealed.

SEC. 2. This act shall be in force from its ratification.

Ratified this the 14th day of January, A. D. 1879.

CHAPTER 2.

AN ACT TO AMEND SECTION TWELVE, CHAPTER ONE HUNDRED AND FIFTY-SIX, OF THE LAWS OF EIGHTEEN HUNDRED AND SEVENTY-SIX AND SEVENTY-SEVEN, RELATING TO THE PRIVILEGE TAX ON MERCHANTS, &c.

The General Assembly of North Carolina do enact :

Chap 156, sec. 12,
acts 1876-'77,
amended.

SECTION 1. That section twelve, of chapter one hundred and fifty-six of the laws of eighteen hundred and seventy-six and seventy-seven, be amended by striking out the words "five dollars and," in the sixth and seventh lines of said section relating to the privilege tax on merchants and other dealers.

SEC. 2. This act shall be in force from and after ratification.

Ratified this the 14th day of January, A. D. 1879.

CHAPTER 3.

AN ACT TO BE ENTITLED AN ACT TO REPEAL "AN ACT ENTITLED AN ACT PROVIDING FOR ADDITIONAL TERMS OF THE SUPERIOR COURTS OF NORTHAMPTON AND HALIFAX COUNTIES," RATIFIED ON THE SEVENTEENTH DAY OF MARCH, EIGHTEEN HUNDRED AND SEVENTY-FIVE.

Preamble.

WHEREAS, doubt has arisen as to whether the January term of the superior court for the county of Northampton has been abolished by chapter two hundred and fifty-five of the laws of eighteen hundred and seventy-six and seventy-seven; *and whereas*, the board of commissioners

for said county did on the first Monday in December, eighteen hundred and seventy-eight, by a unanimous vote, adopt a resolution requesting the general assembly to abolish said January term of said court; therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the act entitled "an act providing for additional terms of the superior court of Northampton and Halifax counties," ratified on the seventeenth day of March, eighteen hundred and seventy-five, be and the same is hereby repealed. Chap. 176, acts 1871-'75, repealed.

SEC. 2. That all capiases, subpoenas, notices, recognizances, and other process, criminal or civil, returnable to the January term, eighteen hundred and seventy-nine, of said court, shall be deemed and held returnable to the spring term, eighteen hundred and seventy-nine, of said court, without further notification. Process.

SEC. 3. That this act shall take effect from and after its ratification.

Ratified this the 14th day of January, A. D. 1879.

CHAPTER 4.

AN ACT TO BE ENTITLED AN ACT TO REPEAL CHAPTER FIFTY, ACTS OF EIGHTEEN SEVENTY-THREE AND SEVENTY-FOUR, AND ALSO CHAPTER ONE HUNDRED OF THE ACTS OF EIGHTEEN HUNDRED AND SEVENTY-THREE AND SEVENTY-FOUR.

WHEREAS, doubts have arisen whether the acts set forth in the title to this act have been repealed by chapter two hundred and fifty-five, act of eighteen seventy-six and seventy-seven, section three; therefore, Preamble.

The General Assembly of North Carolina do enact :

Chap. 50, acts 1873-'74, and chap. 100, acts 1873-'74, repealed.

SECTION 1. That the act constituting chapter fifty of the acts of eighteen hundred and seventy-three and seventy-four, entitled "an act regulating the time of holding the terms of the superior courts of the fourth judicial district, and for other purposes," and, also, the act constituting chapter one hundred of the acts of eighteen hundred and seventy-three and seventy-four, entitled "an act supplemental to an act passed at the present session of the general assembly, regulating the times of holding the superior courts of the fourth judicial district," be and the same are hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified 14th day of January, A. D. 1879.

CHAPTER 5.

AN ACT TO REDUCE AND REGULATE THE COST OF THE PUBLIC PRINTING.

The General Assembly of North Carolina do enact :

Chap. 97, sec. 1, Battle's Revisal, amended.

Rates.

SECTION 1. That section one, chapter ninety-seven of Battle's Revisal, be amended so as to read as follows: the joint committee on printing are directed and instructed on the part of the State of North Carolina, to make, execute and deliver a contract for the public printing at the following rates: for every one thousand ems of plain work, forty cents; for every one thousand ems of rule and figure work, eighty cents. For every token of two hundred and forty impressions, twenty-five cents; and for all other work ordered by the State, (except binding), the usual customary rates charged by printers for such work,

to be approved by the auditing committee herein provided for in section three of this chapter.

SEC. 2. That section three of said act be amended by Chap. 97, sec. 3, Battle's Revisal, amended. striking out all after the word "same," in line nine, and substituting in lieu thereof the following: but neither the two practical printers as aforesaid, nor the state auditor, Accounts, when approved. shall approve the accounts of the public printer oftener than twelve times in any one year.

SEC. 3. That section five of said chapter be amended so as to read as follows: the party contracting to do the public printing shall also agree to cause all necessary binding for the State, to be done at the following rates: for full sheep binding, sixty cents per volume; and for Rates for binding. half-binding, twenty cents per volume. But accounts for binding must be approved by the auditor, who may in his discretion call on two disinterested printers or binders to examine the work, and, under oath, certify to the fairness and accuracy of the accounts.

SEC. 4. That section four, chapter one hundred and sixty-four, laws of eighteen hundred and seventy-six and seventy-seven, is hereby repealed.

SEC. 5. This act shall be in force from its ratification.

Read three times in the general assembly, and ratified the 18th day of January, A. D. 1879.

CHAPTER 6.

AN ACT TO ABOLISH THE JANUARY TERM OF CUMBERLAND SUPERIOR COURT.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter thirty-two (32) of the laws of Chap 32, acts 1874-'75, repealed. eighteen hundred and seventy-four and eighteen hundred and seventy-five, ratified December twelfth, eighteen hun-

dred and seventy-four, (entitled an act to regulate the times of holding the terms of the superior court of Cumberland county, and by which a term of the superior court of said county was authorized and directed to be held on the last Monday in January in each and every year) and all laws amendatory thereof are hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its ratification.

Read three times in the general assembly and ratified the 18th day of January, A. D. 1879.

CHAPTER 7.

AN ACT TO REMEDY A FAILURE TO LEVY TAXES IN THE COUNTY OF GRANVILLE IN THE YEAR EIGHTEEN HUNDRED AND SEVENTY-EIGHT.

Preamble.

WHEREAS, the justices of the peace of Granville county on the first Monday in August, eighteen hundred and seventy-eight, convened in a joint meeting with the board of commissioners of said county according to the requirements of the proviso contained in section five (5) of chapter one hundred and forty-one (141) of the acts of eighteen hundred and seventy-six and seventy-seven, entitled an act to establish county governments, but no tax was levied at their said joint meeting, or proposed to be levied by the said board of commissioners;

AND WHEREAS, there has since that time been no joint meeting of the said justices of the peace with the said board of commissioners, in consequence whereof there has been no levy of the county taxes, which, according to law, should have been levied by the said board of commissioners and the said justices of the peace in their joint meeting aforesaid;

AND WHEREAS, by reason of the failure as aforesaid to levy the necessary taxes for county purposes, the county government is utterly without funds and the administration thereof is seriously embarrassed and hindered, and adequate provision cannot be made therefor; Now therefore, for remedy thereof,

The General Assembly of North Carolina do enact : .

SECTION 1. That it shall be lawful for the board of commissioners of Granville county, and the said board of commissioners is hereby authorized without unnecessary delay, to convene the justices of the peace of said county to meet with them, and with the concurrence of a majority of the said justices sitting with them, to levy all such taxes as might have been levied by said board of commissioners on said first Monday in August, eighteen hundred and seventy-eight, with a concurrence of a majority of said justices sitting with them, and to cause lists of the same to be made out and placed for collection in the hands of the sheriff of said county, who is hereby authorized to collect the same, and shall have for that purpose all the power conferred by law on sheriffs as tax collectors in respect to the collection of county taxes; and said board of commissioners is hereby authorized and empowered to do all such acts and things in the premises as they are authorized and empowered to do by existing laws in relation to the levy of taxes.

Levy and collection of taxes.

SEC. 2. That this act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified the 21st day of January, A. D. 1879.

CHAPTER 8.

AN ACT TO CHANGE THE TIME OF HOLDING THE SUPERIOR COURTS IN THE FOURTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact :

SECTION 1. That the regular terms of the superior courts in the counties in the fourth judicial district shall be held at the following times, to-wit :

- Moore.** Moore—on the first Monday in February and August, to continue two weeks, unless the business thereof is sooner disposed of.
- Harnett.** Harnett—on the third Monday in February and August, to continue two weeks, unless the business is sooner disposed of.
- Cumberland.** Cumberland—on the second Monday after the third Monday in February and August, to continue four weeks, unless the business thereof is sooner disposed of.
- Bladen.** Bladen—on the sixth Monday after the third Monday in February and August.
- Columbus.** Columbus—on the seventh Monday after the third Monday in February and August, to continue two weeks, unless the business is sooner disposed of.
- Brunswick.** Brunswick—on the ninth Monday after the third Monday in February and August.
- Johnston.** Johnston—on the tenth Monday after the third Monday in February and August, to continue two weeks, unless the business is sooner disposed of.
- Robeson.** Robeson—on the twelfth Monday after the third Monday in February and August, the spring term to continue two weeks and the fall term three weeks, unless the business be sooner disposed of.
- Anson.** Anson—on the fourteenth Monday after the third Monday in February, and the fifteenth Monday after the third Monday in August, to continue two weeks, unless the business is sooner disposed of.

Richmond—on the sixteenth Monday after the third ^{Richmond.} Monday in February, and the seventeenth Monday after the third Monday in August, to continue two weeks, unless the business is sooner disposed of.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after ^{When to be in force.} the thirty-first day of July, eighteen hundred and seventy-nine.

Read three times in the general assembly, and ratified the 24th day of January, A. D. 1879.

CHAPTER 9.

AN ACT CONCERNING THE ELECTION IN EIGHTEEN HUNDRED AND SEVENTY-EIGHT, FOR CERTAIN OFFICERS.

The General Assembly of North Carolina do enact:

SECTION 1. That it was the true intent and meaning of ^{Election of mem- bers of Congress declared valid.} section forty-nine of the "act to regulate elections," ratified the twelfth day of March, anno domini eighteen hundred and seventy-seven, that an election should be held, according to the provisions of said act, on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy-eight, for representatives in the Congress of the United States, and said election held on said day, in said year, for said representatives in Congress, is hereby expressly ratified and confirmed, and is declared to have been, in all respects, legal and valid.

SEC. 2. That it was the true intent and meaning of ^{Election of regis- ters of deeds de- clared valid.} said "act regulating elections," having special reference to sec- tions eighteen, twenty-six, twenty-eight, thirty, thirty-one, and thirty-three and seventy-seven, that an election should

be held at the several election precincts in each county, for a register of deeds for the several counties of the State, according to the rules and regulations prescribed in said act, on the first Thursday in August, in the year of our Lord one thousand eight hundred and seventy-eight. And said election, held on said day, in said year, in each county in the State, for the office of register of deeds, is hereby expressly ratified and confirmed, and is declared to have been, in all respects, legal and valid.

SEC. 3. This act shall be in force from its ratification.

Read three times in the general assembly, and ratified the 25th day of January, A. D. 1879.

CHAPTER 10.

AN ACT TO AUTHORIZE THE COLLECTION OF ARREARS OF TAXES DUE THE TOWNS OF SALISBURY AND GOLDSBORO FOR THE YEARS EIGHTEEN HUNDRED AND SEVENTY-SIX, EIGHTEEN HUNDRED AND SEVENTY-SEVEN AND SEVENTY-EIGHT.

The General Assembly of North Carolina do enact :

Revisal of tax-lists
by commissioners
of Salisbury.

SECTION 1. That the commissioners for the town of Salisbury, be and they are hereby authorized and empowered to revise and correct the tax lists for the town of Salisbury for the years one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, by adopting the valuation of real and personal property made by the township board of trustees of Salisbury township, or by the assessor for said township, for the years aforesaid respectively for State and county taxes, as the valuation of real and personal property situated within the town of Salisbury, for town taxes.

SEC. 2. That when said tax lists shall be revised and corrected, as provided by the first section of this act, then M. L. Arey, the tax collector for the town of Salisbury, be and he is hereby authorized and empowered to collect all arrears of taxes due from tax-payers of said town for the years one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, under such rules and regulations as are now prescribed by law for the regular collection of the taxes of said town, and the power and authority, hereby granted, shall cease the first day of July, one thousand eight hundred and seventy-nine. Collection of arrears of taxes in Salisbury. Proviso.

SEC. 3. That the commissioners for the town of Goldsboro are hereby authorized and empowered to collect arrears of taxes due the said town for the years one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight, under such rules and regulations as are, or may be, prescribed by law for the regular collection of taxes, and said commissioners may appoint a collector for that purpose: *Provided*, the authority hereby granted shall expire on the first day of July, one thousand eight hundred and seventy-nine. Collection of arrears of taxes in Goldsboro. Proviso.

SEC. 4. That this act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified the 29th day of January, A. D. 1879.

CHAPTER 11.

AN ACT TO PROVIDE FOR THE HOLDING OF THE SUPERIOR COURTS SUCCESSIVELY BY THE JUDGES OF SAID COURTS.

The General Assembly of North Carolina do enact:

Rotation of judges. SECTION 1. That the judges of the superior courts shall hold the courts of the nine judicial districts of the State of North Carolina successively, commencing at the first district, according to the order and system prescribed by this act.

Judge of first district. SEC. 2. That the judge of the first judicial district shall ride the spring circuit for the year one thousand eight hundred and seventy-nine of the second judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.

Judge of second district. SEC. 3. That the judge of the second judicial district shall ride the spring circuit for the said year of the third judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several judicial districts in the order of their numbers in rotation.

Judge of third district. SEC. 4. That the judge of the third judicial district shall ride the spring circuit for the said year of the fourth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several judicial districts in the order of their numbers in rotation.

Judge of fourth district. SEC. 5. That the judge of the fourth judicial district shall ride the spring circuit for the said year of the fifth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several judicial districts in the order of their numbers in rotation.

Judge of fifth district. SEC. 6. That the judge of the fifth judicial district shall ride the spring circuit for said year of the sixth judicial district, and successively thereafter he shall ride

the circuits and hold the courts of the several judicial districts in the order of their numbers in rotation.

SEC. 7. The judge of the sixth judicial district shall ride the spring circuit for said year in the seventh judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several judicial districts in the order of their numbers in rotation. Judge of sixth district.

SEC. 8. That the judge of the seventh judicial district shall ride the spring circuit for the said year of the eighth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several judicial districts in the order of their numbers in rotation. Judge of seventh district.

SEC. 9. That the judge of the eighth judicial district shall ride the spring circuit for said year of the first judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several judicial districts in the order of their numbers in rotation. Judge of eighth district.

SEC. 10. That the judge of the ninth judicial district shall ride the spring circuit for said year of the ninth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several judicial districts in the order of their numbers in rotation. Judge of ninth district.

SEC. 11. That the judges shall cause a notification of the ridings to be published in some newspaper by the first of January and first of July preceding each circuit, but the notice of the first riding under this act shall be published by the secretary of state, within two days after the ratification of this act. Notification of ridings.

SEC. 12. That the governor shall have the power to appoint any judge to hold special terms of the superior court in any county, and by consent of the governor the judges may exchange the courts of a particular county or counties, but no judge shall be assigned to hold the courts of any district oftener than once in four years. Special terms. Exchange of courts.

SEC. 13. That this act shall take effect and be in force from and after its ratification.

Read three times in the general assembly and ratified the 29th day of January, A. D. 1879.

CHAPTER 12.

AN ACT TO EMPOWER THE FOREMAN OF GRAND JURIES TO ADMINISTER OATHS.

The General Assembly of North Carolina do enact :

Power to adminis-
ter oaths

Proviso.

Proviso.

SECTION 1. That the foreman of every grand jury duly sworn and impaneled in any of the courts of this State shall have power to administer oaths and affirmations to persons to be examined before it as witnesses: *Provided*, that the said foreman shall not administer such oath or affirmation to any persons except those whose names are endorsed on the bill of indictment by the officer prosecuting in behalf of the State, or by direction of the Court: *Provided further*, that the foreman of the grand jury shall mark on the bill the names of the witnesses sworn and examined before the jury.

SEC. 2. This act shall be in force from its ratification.

Read three times in the general assembly and ratified the 29th day of January, A. D. 1879.

CHAPTER 13.

AN ACT TO ESTABLISH A PUBLIC FERRY IN THE COUNTIES OF MONTGOMERY AND STANLY.

The General Assembly of North Carolina do enact :

Authority to estab-
lish ferry.

SECTION 1. That William H. Watkins and R. A. Anderson, of Montgomery county, their heirs and assigns,

are hereby authorized to establish a ferry across the Pee Dee river at or near the mill of W. H. Watkins and R. A. Anderson on said river.

SEC. 2. That the right to establish and keep up said ferry be and is hereby vested in the said W. H. Watkins and R. A. Anderson, their heirs and assigns, during the full term of twenty years. Right vested for twenty years.

SEC. 3. That it shall be lawful for the said W. H. Watkins and R. A. Anderson, their heirs and assigns, to receive such tolls and rates of ferriage at said ferry as shall be prescribed and regulated from time to time by the commissioners of Montgomery county. Tolls, how regulated.

SEC. 4. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 29th day of January, A. D. 1879.

CHAPTER 14.

AN ACT TO AMEND SECTION ONE, CHAPTER ONE HUNDRED AND FOUR, PUBLIC LAWS OF EIGHTEEN HUNDRED AND SEVENTY-THREE AND SEVENTY-FOUR, IN RELATION TO THE SHOOTING AND SEINING OF MOUNTAIN TROUT, IN THE WATERS OF ELK RIVER AND ITS TRIBUTARIES, IN THE COUNTIES OF MITCHELL AND WATAUGA.

The General Assembly of North Carolina do enact :

SECTION 1. That section one, chapter one hundred and four, public laws of eighteen hundred and seventy-three and seventy-four, be and the same is hereby amended so as to include the New river and the Watauga river and their tributaries in the county of Watauga, and the trib- Chap. 104, sec. 1, acts 1873-'74, amended.

utaries of New river and North Fork of New river and tributaries, in Ashe county.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified the 30th day of January, A. D. 1879.

CHAPTER 15.

AN ACT TO AMEND CHAPTER THIRTY-SIX, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact :

Chap. 36, acts 1876-
'77, amended.

SECTION 1. That chapter thirty-six, laws of one thousand eight hundred and seventy-six and seventy-seven, be amended by striking out the words "one thousand eight hundred and seventy-two" and "one thousand eight hundred and seventy-three," wherever said words occur in said act, and add after the words "one thousand eight hundred and seventy-five," in section 1 and 2, as follows: "one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-six [seven], and one thousand eight hundred and seventy-eight," and in section five of said act strike out the words "one thousand eight hundred and seventy-seven," and in lieu thereof add "one thousand eight hundred and seventy-nine."

SEC. 2. That said chapter thirty-six, with the foregoing amendments, be re-enacted.

SEC. 3. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 4th day of February, A. D. 1879.

CHAPTER 16.

AN ACT FOR THE PUNISHMENT OF THE CRIME OF
INCEST.

The General Assembly of North Carolina do enact :

SECTION 1. That in all cases of carnal intercourse between grand-parent and grand-child, parent and child, and brother and sister, of the half or whole blood, the parties shall be deemed guilty of felony, and on conviction thereof shall be punished for every such offence by imprisonment in the county jail or state's prison for a term not exceeding five years, in the discretion of the court.

Carnal intercourse between grand-parent and grand-child, parent and child, brother and sister.

Punishment.

SEC. 2. That in all cases of carnal intercourse between uncle and niece, and nephew and aunt, the parties shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each such offence by fine or imprisonment, in the discretion of the court.

Carnal intercourse between uncle and niece, nephew and aunt.

Punishment.

SEC. 3. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 4th day of February, A. D. 1879.

CHAPTER 17.

AN ACT TO REPEAL AN ACT TO PROVIDE A FUND FOR THE PAYMENT OF JURORS OF ALLEGHANY AND CLAY COUNTIES, BEING CHAPTER ONE HUNDRED AND TWO, LAWS OF ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND SEVENTY-SEVEN, RATIFIED SIXTEENTH DAY OF FEBRUARY, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact:

Chap. 102, acts
1876-'77, repealed.

SECTION 1. That chapter one hundred and two, laws of one thousand eight hundred and seventy-six and seven, as far as it applies to Clay county, is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 4th day of February, A. D. 1879.

CHAPTER 18.

AN ACT TO AMEND SECTION ONE, OF CHAPTER TWO HUNDRED AND SIXTY, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact:

Chap. 260, acts
1876-'77, amended.

SECTION 1. That chapter two hundred and sixty, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended by striking out in line seventeen of section one, the words "Graham, Alamance county."

SEC. 2. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 4th day of February, A. D. 1879.

CHAPTER 19.

AN ACT TO AMEND SECTION ONE, CHAPTER FORTY-EIGHT, BATTLE'S REVISAL.

The General Assembly of North Carolina do enact:

SECTION 1. That the following shall be added to section one, chapter forty-eight, Battle's Revisal: "*Provided, however, that in the county of Carteret a fence four feet high shall be deemed a lawful fence.*" Lawful fence in Carteret county.

SEC. 2. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 4th day of February, 1879.

CHAPTER 20.

AN ACT TO CHANGE THE TIME OF HOLDING THE TERMS OF THE SUPERIOR COURTS IN THE COUNTIES OF GATES AND HERTFORD.

The General Assembly of North Carolina do enact:

SECTION 1. That in section one, chapter two hundred and fifty-five, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, strike out Gates and insert Hertford, and strike out Hertford and insert Gates, so as to change the time of holding the courts in said counties. Chap. 255, sec. 1, acts 1876-77, amended.

Process.

SEC. 2. That the clerks of the superior courts of the counties of Gates and Hertford issue subpoenas for jurors and witnesses to appear at the times as herein declared; that all summonses and other process heretofore issued returnable to the several terms of said court shall be returnable to the term fixed by this act in the same manner as if the term for the return had been inserted in summons and other process.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 4th day of February, A. D. 1879.

CHAPTER 21.

AN ACT TO LEGALIZE THE ACTS OF THE BOARD OF COUNTY COMMISSIONERS OF WILKES COUNTY, AT A MEETING ON THE SIXTEENTH OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT.

Preamble.

WHEREAS, A majority of the board of county commissioners of Wilkes county failed to meet and qualify on the first Monday in December, as required by law, but did on the sixteenth day of December, one thousand eight hundred and seventy-eight, meet in the town of Wilkesboro', qualify and transact certain important business; therefore,

The General Assembly of North Carolina do enact:

Acts legalized.

SECTION 1. That the acts of the said board of county commissioners on the sixteenth day of December, one thousand eight hundred and seventy-eight, be legalized in every respect as though they had met as required by law.

SEC. 2. That this act be in force from and after its ratification.

Read three times in the general assembly and ratified the 4th day of February, A. D. 1879.

CHAPTER 22.

AN ACT DECLARATORY OF THE MEANING OF AN ACT ENTITLED "AN ACT IN RELATION TO THE PROBATE OF DEEDS AND CONVEYANCES AND THE PRIVY EXAMINATION OF MARRIED WOMEN, RATIFIED THE THIRD DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, CHAPTER ONE HUNDRED AND SIXTY-ONE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND SEVENTY-SEVEN.

WHEREAS, doubts have been made whether by said act Preamble.
inferior courts and the clerks of inferior courts are authorized and empowered to take such probates and privy examination; therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That it is the true intent and meaning of said act, that the several inferior courts of the State, and the clerks thereof, are authorized and empowered thereby to take the probate of deeds and conveyances, and the privy examination of married women, and of all other contracts and writings required by law to be registered, in all cases and with the like effect where the power to take such probates and privy examinations is conferred by said act upon superior courts and superior court clerks and the other officers therein named. Power to take probate of deeds, &c.

SEC. 2. And whereas, clerks of inferior courts, in many cases, have heretofore taken the probate of deeds and the Former probates and privy examinations ratified.

privy examination of married women under the supposed power to do so, under and by virtue of said act, all such probates of deeds and privy examinations of *femes covert*, otherwise regularly taken, are hereby ratified and confirmed to the same extent as if they had been properly taken in pursuance of law.

SEC. 3. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 4th day of February, A. D. 1879.

CHAPTER 23.

AN ACT TO ALLOW LEAKSVILLE TOWNSHIP, IN ROCKINGHAM COUNTY, TO SUBSCRIBE TO THE CAPITAL STOCK OF A RAILROAD.

The General Assembly of North Carolina do enact :

Power to take stock in certain railroad companies.

SECTION 1. That Leaksville township, in Rockingham county, and any other township in said county, shall have power and authority to subscribe for and take any number of shares of the capital stock of the "Dan Valley and Yadkin River Railroad Company," or of any other railroad company, which has been or may hereafter be chartered to run through said county, that a majority of the legal voters of any such township may elect to take therein: *Provided*, that the valuation of the shares so subscribed for shall not exceed (5) five per cent. of the taxable property of such township.

Provide.

Election to be held.

SEC. 2. That upon the written application of thirty residents and tax-payers of any such township, specifying the amount which it is desired that the said township shall subscribe for in the capital stock aforesaid, subject to the aforesaid limitations, it shall be the duty of the

county commissioners to appoint a day on which an election shall be held in such township in the manner prescribed by law for holding other elections, at which said election the legally qualified voters of such township shall be entitled to vote for or against such subscription, the legally qualified voters favoring subscription to vote ballots written or printed "subscription," and those opposing subscription to vote ballots written or printed "no subscription." The election herein provided for shall be held after thirty (30) days notice at the court house door and in three other public places in said township, at the usual voting places of such township, by persons appointed by the county commissioners aforesaid in the same manner that persons are appointed for holding other elections in such township, and the returns thereof shall be made to the county commissioners aforesaid as in other elections prescribed by law, and who shall examine the same and declare the result, and the commissioners shall meet for this purpose at the court house on the day after the election or at their next regular meeting.

Election, how held.

Returns.

SEC. 3. And the result of said election as declared by said commissioners shall be certified to by said county commissioners under their hands and seal, and shall be filed with the register of deeds of said county, and shall be taken as evidence of the same in any of the courts of this State.

Result of election to be certified.

SEC. 4. If the result of such election shall show that a majority of the qualified voters of such township favor taking the amount of stock voted for in such election, then the said county commissioners shall appoint a board of trustees, to be composed of five (5) resident tax-payers of any such township, who shall issue the bonds of said township to an amount not exceeding the amount voted for in said election, in sums of one hundred dollars and multiples thereof to one thousand dollars, running thirty years from date and bearing interest at eight per centum, payable semi-annually, evidenced by coupons on said bonds,

Board of trustees, how appointed.

Issuance of bonds.

and said board of trustees may deliver said bonds to said railroad company, or may sell the bonds and deliver the proceeds to said company, the said company, in either case issuing to the said trustees for the use and benefit of said township, stock in said company to the amount of the subscription so voted as aforesaid or any part thereof.

Interest on bonds,
how provided for.

SEC. 5. That to provide for the interest on said bonds and their redemption at maturity the board of county commissioners aforesaid shall in addition to other taxes, each year compute and levy on all property and polls of any such township, preserving the constitutional equation, a sufficient tax to pay said interest, and after ten years a second additional tax sufficient to provide each year the sum of one thousand dollars for a sinking fund, which amount shall be annually paid to the county treasurer or other officer authorized by law to perform his duties, and by him invested in said bonds and the amount of tax collected for interest shall be paid to the county treasurer or other officer as aforesaid, and used by him in the prompt and regular payment of the coupons on said bonds.

Sinking fund.

Redemption of
bonds.

SEC. 6. The county treasurer or other officer acting as such, shall before buying the bonds with the sinking fund aforesaid advertise for the purchase of said bonds, and in case none are offered the township, through the treasurer or other officer aforesaid, shall have power to call in the bonds aforesaid in whole or in part for payment, and in case the treasurer or other officer aforesaid shall buy the said bonds for less than par he shall be entitled to receive only what he actually paid for the same.

Capital stock
pledged for re-
demption of bonds.

SEC. 7. The capital stock held by any such township voting as aforesaid, in any such railroad aforesaid, shall be pledged for the redemption of said bonds at maturity, and all dividends declared upon such stock shall be faithfully applied to the payment of the coupons on such bonds and to the purchase of the same, and be paid by said railroad company directly to the officer acting as county

treasurer aforesaid, and by him used for the purposes aforesaid.

SEC. 8. In advertising the day of election aforesaid, the board of commissioners shall specify in such notice not only the amount of the subscription to be voted on, but also in what company it is proposed to subscribe for the capital stock aforesaid. Notice of election, what to contain.

SEC. 9. This act shall take effect from its ratification.

Read three times in the general assembly and ratified the 8th day of February, A. D. 1879.

CHAPTER 24.

AN ACT TO INCORPORATE THE TOWN OF TAYLORSVILLE, IN THE COUNTY OF ALEXANDER.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Taylorsville, in the county of Alexander, be and is hereby incorporated by the name and style of Taylorsville, and shall be entitled to enjoy and be subject to all the privileges and powers contained in the various sections of the one hundred and eleventh chapter of Battle's Revisal, entitled "towns." Body politic. Powers.

SEC. 2. That the corporate limits of said town shall be one half mile square, having for the centre the courthouse in said town. Corporate limits.

SEC. 3. That the corporate powers and authority granted to said town shall be vested and exercised by a mayor and three commissioners, to be chosen and elected in the manner prescribed in said chapter one hundred and eleven, by the qualified voters of said town, who have been residents thereof for ninety days preceding the day of election, and they and their successors shall be and are hereby invested with all the rights, privileges, powers and Officers. How chosen.

Powers.

immunities conferred upon and secured to commissioners of incorporated towns by the one hundred and eleventh chapter of Battle's Revisal.

SEC. 4. That all laws and clauses of laws heretofore enacted for the regulation or the government of the said town of Taylorsville be and are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 8th day of February, A. D. 1879.

CHAPTER 25.

AN ACT FOR THE RELIEF OF PRISONERS CONFINED IN THE COMMON JAILS OF THIS STATE.

The General Assembly of North Carolina do enact :

County jails to be
made comfortable.

SECTION 1. That it shall be the duty of the county commissioners of every county in this State to have the common jails so heated by furnaces, stoves or otherwise, as to render them warm and comfortable.

Boards of county
commissioners lia-
ble to indictment.

SEC. 2. That each and every board of county commissioners that fails to render the common jails of their respective counties warm and comfortable, as required by section one of this act, shall be liable to be indicted in the superior courts of this State, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

SEC. 3. That this act shall be in force from and after the first day of May next.

Read three times in the general assembly and ratified the 8th day of February, A. D. 1879.

CHAPTER 26.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED AN ACT
TO CHANGE THE TIME OF HOLDING THE SUPERIOR
COURTS IN THE FOURTH JUDICIAL DISTRICT.*The General Assembly of North Carolina do enact :*

SECTION 1. That section three of an act passed at the present session of the general assembly, entitled "an act to change the time of holding courts in the fourth judicial district," in so far as said act is postponed in its operations until a day in July of this year, shall not apply to the counties of Richmond and Anson, but as to those two counties said act, except said section three, shall be in force from and after its ratification.

Act to apply to
spring terms, 1879,
of Richmond and
Anson.

SEC. 3. That all process, original, mesne or final, and all executions returnable to the spring term of said courts, shall be returned to the terms of the court provided by said act and this act supplementary thereto.

Process.

SEC. 3. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified the 8th day of February, A. D. 1879.

CHAPTER 27.

AN ACT FOR THE RELIEF OF SHERIFFS AND TAX-COL-
LECTORS.*The General Assembly of North Carolina do enact :*

SECTION 1. That all persons who have been sheriffs or tax-collectors of the several counties, cities and towns of this State for the years one thousand eight hundred and

Authorized to col-
lect arrears of
taxes.

seventy-four, one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven, and one thousand eight hundred and seventy-eight, their bondsmen and legal representatives, are hereby authorized and empowered to collect arrears of taxes for each of the years aforesaid, under such rules and regulations as are or may be prescribed by law for the collection of taxes.

Not to apply to
Sheriffs, &c., who
shall have failed
to settle.

Tax collectors to
be appointed.

Proviso.

Not released from
liability.

Who not compelled
to pay.

SEC. 2. That this act shall not apply to any sheriff, tax-collector, his or their bondsmen or legal representatives, who have not at the time they attempt to collect said arrears of taxes, settled and paid said taxes to those authorized by law to receive them; but on such failure to settle and pay said taxes the county commissioners or other authority which may be established by law to levy the county taxes, may appoint a tax-collector who shall have the power, given in section one of this act to sheriffs and tax-collectors, to collect arrears of taxes for the years aforementioned in said section one, and be subject to the rules and regulations which are or may be prescribed by law for the collection of taxes: *Provided*, that this act shall not authorize any sheriff or tax-collector who is not now in office to collect any insolvent taxes where the same have been credited to him; but the county commissioners shall have the power to place such insolvent tax-lists in the hands of any sheriff or tax-collector who may now or hereafter be in office.

SEC. 3. That nothing herein contained shall be construed to release said sheriffs, tax-collectors, their bondsmen or legal representatives, from liability to pay the State, county and other taxes, at the times and places prescribed by law.

SEC. 4. That no person shall be compelled to pay any tax under the provisions of this act, who will make an oath before any one authorized by law to administer oaths that he or she has paid the same; nor shall any executor

or administrator be compelled to pay any arrears of taxes under this act.

SEC. 5. That this act shall not be construed to revive any tax claim which is barred by the statute of limitations. Tax claim barred by statute not revived.

SEC. 6. That the authority hereby given to collect arrearages of taxes shall cease and determine on the thirty-first day of December, one thousand eight hundred and eighty. Limitation.

SEC. 7. This act shall be in force from its ratification.

Read three times in the general assembly and ratified the 8th day of February, A. D. 1879.

CHAPTER 28.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-FIVE OF THE ACTS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND SEVENTY-SEVEN, ENTITLED AN ACT TO DIVIDE THE STATE INTO NINE JUDICIAL DISTRICTS.

The General Assembly of North Carolina do enact:

SECTION 1. That section six of chapter two hundred and fifty-five of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven be amended by striking out the word "third" in the ninth line of said section and inserting in the lieu and stead thereof the word "second." Chap. 255, sec. 6, acts 1876-77, amended.

SEC. 2. That said amendment is intended to give Montgomery county only one, and Union county two weeks in the superior court at each sitting thereof. Montgomery and Union superior courts.

SEC. 3. That all subpoenas, capiases, recognizances, and every other process whatever heretofore issued, shall be returnable on the second Monday after the fourth Monday Process.

in March and September in each year, without any further notice.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 8th day of February, A. D. 1879.

CHAPTER 29.

AN ACT TO REVIVE AND AMEND THE CHARTER OF THE LOUISBURG BRANCH OF THE WILMINGTON AND WELDON RAILROAD.

The General Assembly of North Carolina do enact :

Chap. 242, acts
1868-'69, re-en-
acted.

SECTION 1. That chapter two hundred and forty-two of the laws of one thousand eight hundred and sixty-eight and sixty-nine, be and the same is hereby re-enacted, it being an act entitled "an act to charter the Louisburg branch of the Wilmington and Weldon Railroad."

Sec. 1 amended.

SEC. 2. Amend said act by striking out the names of the canvassers in the first section, and inserting in lieu thereof the following, viz: William Coleston, J. P. Jenkins and Willie Robbins, of Nashville; J. A. Harrison, W. H. Arrington and James B. H. Boddie, Castalia; John E. Lindsey, R. H. Ricks and Louis Sumner, of Rocky Mount; W. B. Coppedge, W. J. King and W. K. Davis, Cedar Rock; W. H. Yarborough, Joshua Perry and B. P. Clifton, Louisburg; W. W. Green, Charles Perry and I. G. Stanton, of Franklinton.

SEC. 3. This act shall take effect from and after its ratification.

Read three times in the general assembly and ratified the 11th day of February, A. D. 1879.

CHAPTER 30.

AN ACT TO EXTEND THE TIME OF PAYING THE STATE
TAXES IN THE COUNTY OF DARE.*The General Assembly of North Carolina do enact :*

SECTION 1. That the sheriff of Dare county is granted Time extended.
until the first day of May, Anno Domini one thousand
eight hundred and seventy-nine, to collect and pay over
to the state treasurer the State taxes.

SEC. 2. This act shall be in force from and after its ratifi-
cation.

Read three times in the general assembly and ratified
the 11th day of February, A. D. 1879.

CHAPTER 31.

AN ACT TO AMEND THE CHARTER OF THE MOUNT AIRY
RAILROAD, AND PROVIDE FOR THE BUILDING OF A
RAILROAD FROM GREENSBORO TO ORE KNOB.*The General Assembly of North Carolina do enact :*

SECTION 1. That an act entitled an act to amend chap-
ter two hundred and eighteen of the acts of one thousand Chap. 144, acts
1876-77, amended.
eight hundred and seventy and one thousand eight hun-
dred and seventy-one, entitled an act to incorporate the
Mount Airy and Central Railroad Company, ratified the
twenty-eighth day of February, Anno Domini one thou-
sand eight hundred and seventy-seven, be amended as
follows: In section first, line eight, after the words "Mount
Airy" and before the word "railroad" insert the words
"and Ore Knob." In line eighteen, after the word "from"
insert the words "Ore Knob by way of." In line eighteen
after the words "Mount Airy in Surry county," insert the

words "to touch the Yadkin river at or above Bear Shoals."

Townships, &c.,
authorized to sub-
scribe to capital
stock.

Election, when
and how held.

Returns.

SEC. 2. Strike out section third of said act and insert in lieu thereof the following: That section six of said act entitled an act to incorporate the Mount Airy and Central Railroad be repealed and the following be inserted in lieu thereof: That any township or city, town, county, or other municipal corporation of this State, shall have power and authority to subscribe for and take any number of shares of capital stock of said company that a majority of the voters of such township or city, town, county, or other municipal corporation, may elect to take therein. That upon the request of twenty resident and tax-payers of any such township or city, town, county, or other municipal corporation of this State, the municipal authorities of such city, town, county, or other municipal corporation, (and in case of township, the justices of the peace of such township) shall determine the number of shares in the said company proposed to be taken by such township or city, town, county, or other municipal corporation, and shall appoint a day on which an election shall be held in such township or city, town, county, or other municipal corporation, in the manner prescribed by law for holding elections, at which said elections the legally qualified voters of such township or city, town, county, or other municipal corporation, shall be entitled to vote for or against said subscription, the legally qualified voters favoring such subscription to vote ballots written or printed "railroad," those opposing such subscription to vote "no railroad." The election herein provided for shall be held at the usual voting places for such townships, or cities, towns, counties, or other municipal corporations, by persons appointed by the authorities of such cities, towns, counties, or municipal corporations, (and in case of townships, by the justices of the peace of such townships) in the same manner that persons are appointed for holding other elections. And the returns thereof

shall be made and the result thereof announced as in other elections prescribed by law: *Provided*, that in case of townships the justices of the peace of such township, for carrying out the purpose of this act, shall be vested with all the powers vested in the boards of commissioners and the justices of the peace of counties as to the manner of appointing the persons to hold elections, and so forth, by law for the purpose of holding other elections, and townships shall have corporate powers for the purpose of this act. If the result of any such election shall show that a majority of the qualified voters of any such township or city, town or county, or other municipal corporation, favor the taking of the amount of stock so voted for in such elections, then the authorities who by this act are empowered to determine what amount of stock shall be taken shall subscribe the amount of stock so voted for in said company, and shall have power to levy and collect taxes for that special purpose to pay for the said stock in installments as the same may become due, or, in case it shall not be deemed best to collect taxes to pay be [by] taxation subscription for stock, then such township or city, town, such county, or other municipal corporation, shall have power to issue bonds for the purpose of raising money to pay for such subscription, and shall provide for the payment of interest upon said bonds, and also for the payment of said bonds when they become due: *Provided*, that nothing in this charter shall be construed to exempt said road from taxation: *Provided further*, that when any city, town, county or township, or other corporation, shall subscribe money or pledge any property to said road, the directors or other managers of said road shall not be permitted to lease, sell or otherwise dispose of said road without the consent of such city, town, county, or other corporations.

Levy and collection of taxes.

Issuance of bonds.

Proviso.

SEC. 3. That section fourth of said act be amended by inserting after the word "Watauga," in line ten, the words "Mitchell, Yancey and Buncombe," and by striking out

Chap. 144, sec. 4,
acts 1876-'77,
amended.

all after and including the word "provided," in the sixteenth line.

Sec. 5 amended.

SEC. 4. That section five of said act be amended by inserting in line five, after the word "hundred," the words "and fifty," and by striking out in line twelve the words "provided that" and inserting "to this end."

Sec. 4 amended.

SEC. 5. That the proviso in section four of said chapter be stricken out.

SEC. 6. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 11th day of February, A. D. 1879.

CHAPTER 32.

AN ACT TO INCORPORATE THE TOWN OF DAVIDSON COLLEGE, IN THE COUNTY OF MECKLENBURG.

The General Assembly of North Carolina do enact:

Body politic.

Name.

Powers.

SECTION 1. That the town of Davidson College, in the county of Mecklenburg, is hereby incorporated into a body politic and corporate by the name and style of the town of Davidson College, to have the usual powers of such corporations, to sue and be sued, to plead and be impleaded, contract and be contracted with, and to make all needful rules and regulations, by-laws and ordinances for the government of said town, not inconsistent with the constitution and laws of this State and of the United States.

Corporate limits.

SEC. 2. The corporate limits of said town shall be as follows: beginning at the gate on the Iredell county line, thence south seventy-one [degrees] east three-eighths of a mile to a stone on H. P. Helper's farm, thence south nineteen [degrees] west one and a half miles to a stake marked "town corner" on S. T. Thompson's farm, thence

north seventy-one [degrees] west one mile to a stake marked "town corner" on Mrs. S. J. Johnston's farm, thence north nineteen [degrees] east one and a half miles to a post-oak on the Iredell county line, thence with said line five-eighths of a mile to the beginning, making a rectangle one mile by one and a half miles.

SEC. 3. Until officers shall be elected as hereinafter provided, the government of said town shall be vested in the following named mayor and commissioners, to-wit: Mayor, W. P. Williams; Commissioners, W. J. Martin, H. P. Helper, R. L. Quarry, S. T. Thompson and F. J. Knox; Marshal, J. R. Johnston. Officers.

SEC. 4. An election shall be held on the first Monday in May one thousand eight hundred and seventy-nine, and each successive year thereafter, for a mayor and five commission[er]s, said election to be held by the authorities in the manner prescribed by chapter one hundred and eleven, Battle's Revisal. That the said commissioners shall have power to elect, at their first regular meeting after the first Monday in May of each year, a town marshal, clerk and treasurer. Election.

SEC. 5. That the said commissioners shall have power to levy and collect a tax on all subjects of State taxation, not to exceed one dollar on the poll and thirty-three and one-third cents on real estate and personal property, and to impose fines for the violation of town ordinances, and collect the same, which taxes, forfeitures and penalties when collected, shall go to the use of the streets, side walks and public squares, or in such other mode as the said commissioners may deem best to promote the health, comfort, prosperity and advancement of the same. Taxes. Fines.

SEC. 6. This act shall take effect from and after its ratification.

Read three times in the general assembly and ratified the 11th day of February, A. D. 1879.

CHAPTER 33.

AN ACT TO AMEND SECTIONS EIGHT AND TEN OF CHAPTER THIRTY OF BATTLE'S REVISAL, RELATING TO THE DUTIES OF COUNTY TREASURER.

The General Assembly of North Carolina do enact :

Chap. 30, sec. 8,
Battle's Revisal,
amended.

Duties of county
treasurer pre-
scribed.

SECTION 1. That section eight of chapter thirty of Battle's Revisal be stricken out, and the following be inserted in lieu thereof: It shall be the duty of the treasurer, first—to receive all moneys belonging to the county, and all other moneys by law directed to be paid to him, to keep them separate and apart from his own affairs, and to apply them and render account of them as required by law. Second—to keep a true account of the receipts and expenditures of all such moneys, taking proper vouchers in every case, in books provided for that purpose at the expense of the county, and to post at the court-house door, on the first Monday in each month, a correct statement of such receipts and expenditures, showing the amount received and from what source, and the amounts paid out, and to whom and for what purpose, and the balance in his hands belonging to the county. Third—to call on the sheriff, or the clerk of the superior court, or other officer having county moneys in his hands, at least once in each month, or oftener if necessary, to pay over to him and account for all such moneys. Fourth—to exhibit his books and accounts and moneys, once every three months, or oftener if the commissioners of his county deem it necessary, to a committee to be composed of the chairman of the board of the county commissioners and one other person, to be selected by the board of county commissioners, who shall be an expert accountant; and it shall be the duty of this committee to examine the books and accounts of his office, and see that the accounts are correctly and properly kept, and to count the money

Committee to ex-
amine books and
accounts.

in the hands of the treasurer, and see that it corresponds with the amount shown by the books to be in his hands. And if at any time there shall be a deficit in the amount of money in the hands of the treasurer, the committee shall so report to the board of county commissioners, and it shall be their duty to institute proceedings in the superior court against said treasurer for violation of his official duties. Fifth—in cases where the office of treasurer has been or may hereafter be abolished in any county, the duties enjoined in this section shall apply to the person acting in the capacity of treasurer. Sixth—the county commissioners shall allow to the committee who examine the books and moneys of the treasurer, the same pay per diem that is received by a member of their own body, not to exceed pay for one day's service for each examination.

Compensation of committee.

SEC. 2. That section ten be amended to read as follows: Any treasurer or other disbursing officer failing to perform any of the duties herein enjoined shall be deemed guilty of a misdemeanor, and upon conviction thereof, in addition to other punishment at the discretion of the court, shall be removed from office, and his successor appointed in the manner provided by law in case of a vacancy from other causes.

Penalty for failure of treasurer to perform duties.

SEC. 3. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 12th day of February, A. D. 1879.

CHAPTER 34.

AN ACT TO AMEND AN ACT TO CHARTER THE WATAUGA
AND CALDWELL NARROW GAUGE RAILROAD.*The General Assembly of North Carolina do enact :*

Chap. 14, sec. 1,
acts 1874-'76,
amended.

SECTION 1. That section one, chapter fourteen, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be amended by striking out in lines nine and ten the words "or near the head of Cove Creek," and insert the words "the most practical point via Valley Crucis."

SEC. 5. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 12th day of February, A. D. 1879.

CHAPTER 35.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-ONE
OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND
SEVENTY-SIX AND SEVENTY-SEVEN, ENTITLED AN ACT IN
RELATION TO THE PROBATE OF DEEDS AND CONVEY-
ANCES AND THE PRIVY EXAMINATION OF MARRIED WO-
MEN.*The General Assembly of North Carolina do enact :*

Chap. 161, acts
1876-'77, amended.

SECTION 1. That chapter one hundred and sixty-one of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven be amended by inserting between sections four and five of said chapter the following: *Provided always*, that no attestation by seal of the court shall be necessary or au-

When attestation
by seal not requi-
site.

thorized to any instrument proved in the county in which it is to be registered.

SEC. 2. That all laws and clauses of laws inconsistent herewith are repealed.

SEC. 3. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 12th day of February, A. D. 1879.

CHAPTER 36.

AN ACT TO PREVENT THE FELLING OF TREES IN TAR RIVER FROM THE GRANVILLE LINE TO THE FALLS OF TAR RIVER IN THE COUNTY OF NASH.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to fell a tree or trees in Tar river from the county line in Granville county to the falls of Tar river in Nash county. Unlawful to fell trees.

SEC. 2. That any person or persons violating this act shall on conviction before any justice of the peace be fined not less than ten dollars, or imprisoned not more than twenty days, or both, at the discretion of the court. One half the fine shall go to the informer, the other half shall go to the support of education. Penalty.

SEC. 3. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 12th day of February, A. D. 1879.

CHAPTER 37.

AN ACT FOR THE RELIEF OF JURORS IN THE COUNTY OF
WILKES.

The General Assembly of North Carolina do enact:

Fund set apart for
payment of jurors.

SECTION 1. That out of the taxes annually collected in the county of Wilkes for general purposes there shall be set apart the sum of twelve hundred dollars for the payment of the jurors of said county, which fund shall not be used for any other purpose : *Provided, however,* that in case a fund more than sufficient to pay said jurors shall accumulate under this act, then the surplus shall be paid into the general county fund *Provided further,* that the provisions of this act shall only apply to the jurors regularly drawn by the board of county commissioners.

Proviso.

Fund to pay jurors
for 1879.

SEC. 2. That the board of commissioners of Wilkes county shall set apart from the taxes collected for the year one thousand eight hundred and seventy-eight, the sum of twelve hundred dollars for the payment of jurors for said county for the year one thousand eight hundred and seventy-nine.

County treasurer
to pay jurors when
discharged.

SEC. 3. That it shall be the duty of the county treasurer of Wilkes county, at the spring term of the superior court of said county for one thousand eight hundred and seventy nine, and at each succeeding term of the court to which jurors are summoned in said county, to pay off the jurors when they are discharged from service out of the fund created under the provisions of this act.

SEC. 4. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 12th day of February, A. D. 1879.

CHAPTER 38.

AN ACT TO AMEND "AN ACT TO REDUCE AND REGULATE THE COST OF THE PUBLIC PRINTING," RATIFIED THE EIGHTEENTH DAY OF JANUARY, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

The General Assembly of North Carolina do enact :

SECTION 1. That section two of "an act to reduce and regulate the cost of public printing," ratified the eighteenth day of January, Anno Domini one thousand eight hundred and seventy-nine, be amended by striking out the word "twelve" and inserting in lieu thereof the word "twenty-four," and so that the latter part of said section shall read as follows: "but neither the two practical printers as aforesaid, nor the state auditor, shall approve the accounts of the public printer oftener than twenty-four times in any one year; for each of which auditings the said practical printers shall severally receive the sum of two dollars."

Act ratified Jan. 18th, 1879, amended.

Accounts, when audited.

SEC. 2. This act shall be in force from its ratification.

Read three times in the general assembly and ratified the 12th day of February, A. D. 1879.

CHAPTER 39.

AN ACT TO ESTABLISH A PUBLIC ROAD IN STOKES COUNTY.

The General Assembly of North Carolina do enact :

SECTION 1. That there shall be laid out and established a public and free turnpike road in Stokes county, commencing at the Surry county line, near Westfield in Stokes county, by amending the present road and grading around

Public turnpike road established.

the hills by Francisco, crossing Dan river near Clem. Morris' old forge and Back Island Ford, by Danbury, William Neal's, Walnut Cove to the Forsythe county line near Salem Chapel church.

Width.

SEC. 2. That the said road shall be twenty feet wide, sixteen feet of which shall be clear of stumps and runners and of as easy grade as can be had and well drained.

Commissioners to locate road.

SEC. 3. That R. T. Joyce; William Neal and R. H. Massey are hereby appointed commissioners to engineer and locate said road from main street running east and west in Danbury to the Forsythe county line, and that L. F. Smith, D. W. Dodd and Dr. R. F. Moir are hereby appointed commissioners to engineer and locate said road from Westfield to intersect main (east and west) street in Danbury, who shall, before entering upon their duties, take an oath before some justice of the peace to faithfully discharge their duties under this act.

Certain convicts to work on road.

SEC. 4. That all persons who shall be convicted of any criminal offence in any of the courts of Stokes county and in consequence thereof be sentenced to imprisonment in the county jail for a term less than twelve months, shall, on the application of these commissioners, be delivered by the sheriff of said county to said commissioners or their agents or appointees for the purpose of working on said road, and if any prisoner after being delivered by the sheriff as aforesaid shall escape, on conviction thereof shall be fined or imprisoned at the discretion of the court.

Certain prisoners to work on road.

SEC. 4. That if any person shall be imprisoned on account of non-payment of costs, it shall be the duty of the court before which such person is tried to fix a price per month, including board, at which such prisoner shall work out the costs on said road incurred up to such time, and if any person shall be imprisoned, for failing to find sureties to keep the peace, he shall also be worked on said road, and if any prisoner mentioned in this section shall escape, he shall, on conviction, be punished as provided for in section four of this act.

SEC. 6. That it shall be the duty of the commissioners of said county to furnish such tools and materials as are necessary for making, working and blasting on said road, and also the necessary feed and guard for the convicts at work thereon: *Provided*, that they shall not allow any more for feeding them than the jailer gets for feeding prisoners. County Commissioners to furnish tools, &c. Proviso.

SEC. 7. That the work shall begin at some point on main (east and west) street in Danbury, and work out to the Forsythe county line first: *Provided, however*, that if there be a sufficient number of hands they may be divided into two squads, and the second squad shall commence at the same point of the first squad and work out the end of the road to the Surry county line. When work to begin. Proviso.

SEC. 8. That if the owners of any lands through which said road shall pass shall consider themselves injured thereby, it shall be competent for such person so injured by petition to the county commissioners of the county praying for a jury to view the premises and assess the damages sustained, and it shall be the duty of the said commissioners to order said jury to be summoned by the sheriff as in cases of public roads, and it shall be the duty of the jury to take into consideration the benefit to the land and the convenience to the public as well as the injury to the land by making such road, and on the report of the jury made to and confirmed by the county commissioners the damages shall be paid by the county: *Provided*, that if any person shall claim damages and call for a jury to assess damages and none be found, the person so calling for a jury shall defray the expenses and pay the costs of the case. Land-owners injured by road. Jury to assess damages. Proviso.

SEC. 9. That when the said road has been completed or any part of it as herein provided, it shall be kept in order in the same manner as other public roads. How kept in order.

SEC. 10. That if any of the commissioners herein provided for shall decline to act at any time the vacancy shall be filled by the the appointment of the board of Vacancy, how filled.

commissioners of Stokes county, and it shall be the duty of the sheriff to see that this act is carried into effect and assist the commissioners if any person shall refuse to allow them to go upon his land to make said road.

SEC. 11. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 12th day of February, A. D. 1879.

CHAPTER 40.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO PROHIBIT THE SALE OF LIQUORS IN CERTAIN LOCALITIES, IT BEING CHAPTER TWO HUNDRED AND SIXTY, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, SO FAR AS THE SAME RELATES TO ZION BAPTIST CHURCH, HALIFAX COUNTY.

The General Assembly of North Carolina do enact :

Chap. 260, acts
1876-77, amended.

SECTION 1. That so much of chapter (260) two hundred and sixty of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, as prohibits the sale of spirituous liquors, bitters or any intoxicating drinks within two miles of Zion Baptist Church in Halifax county, be and the same is hereby repealed.

Vine Hill and
Greenwood Acad-
emies.

SEC. 2. That it shall be unlawful for any person or persons to sell, or directly or indirectly to receive any compensation for any spirituous liquors, bitters or any intoxicating drinks within four miles of Vine Hill Academy, or within five miles of Greenwood Academy, both of these being located in the township of Scotland Neck, county of Halifax : *Provided*, that nothing in this section shall

Provide.

prohibit the sale of the aforesaid liquors within the corporate limits of the town of Scotland Neck.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction before any justice of the peace having jurisdiction, shall be punished by fine of not less than ten dollars nor more than fifty dollars, or by imprisonment of not less than ten nor more than thirty days: *Provided*, if the offender is not brought to trial before some justice of the peace within six months after the commission of the same, then the superior court of the county shall take jurisdiction of the same and punish the offender at the discretion of the court.

Penalty for violating preceding section.

SEC. 3. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 14th day of February, A. D. 1879.

CHAPTER 41.

AN ACT TO ABOLISH THE TAX-FEES OF ATTORNEYS CHARGED IN BILLS OF COST IN CIVIL SUITS.

The General Assembly of North Carolina do enact:

SECTION 1. That clerks of the supreme and superior courts of the State shall not include or charge in any bill of costs any attorneys' fee in any civil suit hereafter determined in any court of the State; and that all laws or parts of laws coming in conflict and within the meaning and purview of this act, be and they are hereby repealed.

Tax fees of attorneys abolished.

SEC. 2. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 14th day of February, A. D. 1879.

CHAPTER 42.

AN ACT TO CORRECT THE ERRONEOUS NUMBERING OF A
CERTAIN BOND.

Preamble.

WHEREAS, the legislature of North Carolina, at its session of one thousand eight hundred and sixty-four and one thousand eight hundred and sixty-five, passed an act authorizing the issue of certain duplicate bonds to the Old Dominion Trading Company, of the city of Richmond, Virginia, in lieu of certain bonds of the State of North Carolina burned and destroyed on the steamship "General Beauregard," on the twenty-sixth day of June, Anno Domini one thousand eight hundred and sixty-three, while in transit to Liverpool, England ;

AND WHEREAS, it has been made to appear that in the issuing of duplicate bonds there was an error made in numbering the said bonds, one of the same being numbered eight hundred and fifty instead of eight hundred and fifty-six, as it should have been ;

AND WHEREAS, the original list of said bonds, burned and destroyed, a certified copy of which is filed in the treasury department of North Carolina, shows that there was no such number as eight hundred and fifty among those lost and destroyed ;

AND WHEREAS, there are two bonds of the same class numbered alike, namely eight hundred and fifty, and have been proved before the proper authorities, and no such number as eight hundred and fifty-six having as yet been presented to be proved ; now, therefore,

The General Assembly of North Carolina do enact :

Treasurer authorized to re-number a certain bond of the State.

SECTION 1. That the public treasurer of the State of North Carolina be authorized and empowered to certify on said bond, under the seal of his department, that the same is erroneously numbered eight hundred and fifty,

and should have been numbered eight hundred and fifty-six.

SEC. 2. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 17th day of February, A. D. 1879.

CHAPTER 43.

AN ACT TO AMEND THE CHARTER OF THE NORTHWESTERN NORTH CAROLINA RAILROAD FOR THE CONSTRUCTION OF A SECOND DIVISION FROM THE TOWN OF WINSTON AND SALEM, IN FORSYTHE COUNTY, UP THE YADKIN VALLEY BY WILKESBORO TO PATTERSON'S FACTORY, CALDWELL COUNTY.

The General Assembly of North Carolina do enact :

SECTION 1. That section thirteen, of chapter seventeen, of the ordinance of the Convention of one thousand eight hundred and sixty-eight, ratified the ninth day of March, one thousand eight hundred and sixty-eight, be amended by adding the words, "and one of which shall be constructed from the town of Winston and Salem up the valley of the Yadkin by the way of Jonesville and Wilkesboro in the county of Wilkes to Patterson's factory in the county of Caldwell, which branch shall be known as second division."

Chap. 17, sec. 13,
ordinances of the
convention of 1868,
amended.

SEC. 2. That said ordinance be amended by inserting a new section between sections thirteen and fourteen, to read as follows: "That the penitentiary board is authorized and directed to farm out to [the] president and directors of said company, for the purpose of constructing the second division of said road, two hundred able-bodied convicts to work on the construction of said railroad, but the

Additional amendment.

Penitentiary board
authorized to farm
out convicts.

reviso.

said convicts shall be at all times under the supervision and control, as to their government and discipline, of a supervisor, who shall be appointed by the governor upon the recommendation of said railroad company: *Provided*, that there shall be an estimate made of the net value of the labor done by said convicts on the road of said company, to be fixed on a just and equitable basis by the president of said company and a person appointed by the governor on the part of the State, and the net value of labor shall be a first lien on all the property and franchise of said second division of said railroad: *Provided further*, that the State shall not be at any expense for the feeding, clothing or other care of said convicts."

Not to interfere with other assignments of convicts.

SEC. 3. Nothing in this act shall be construed to interfere with the convicts assigned to any road in which the State has an interest.

Townships, &c., empowered to subscribe to capital stock.

SEC. 4. That any township or city, town, county, or other municipal corporation of this State, shall have power and authority to subscribe for and take any number of shares of capital stock of said company that a majority of the voters of such township, or city, town, county, or other municipal corporation may elect to take therein. That upon [the] request of twenty resident and tax-payers of any such township, or city, town, county, or other municipal corporation of this State, the municipal corporation, (and in case of township, the justices of the peace of such township) shall determine the number of shares in the said company proposed to be taken by such township or city, town, county, or other municipal corporation, and shall appoint a day on which an election shall be held in such township or city, town, county, or other municipal corporation, in the manner prescribed by law for holding elections, at which said election the legally qualified voters of such township or city, town, county, or other municipal corporation, shall be entitled to vote for or against such subscription, the legally qualified voters favoring such subscription to vote ballots written or

Election.

that shall be sufficient to liquidate said bonds or obligations at maturity: *Provided further*, that nothing in this charter shall be construed to exempt said railroad from taxation.

SEC. 5. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 20th day of February, A. D. 1879.

CHAPTER 44.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AID IN THE CONSTRUCTION OF THE CHESTER AND LENOIR NARROW-GUAGE RAILROAD AND THE CONSTRUCTION OF THE CALDWELL AND WATAUGA NARROW-GUAGE RAILROAD.

The General Assembly of North Carolina do enact:

Chap. 74, acts
1876-'77, amended.

Penitentiary board
to furnish convicts.

Proviso.

SECTION 1. That chapter seventy-four, public laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended so as to make it obligatory on the board of directors of the penitentiary, upon the application of the president of the Chester and Lenoir Narrow-Guage Railroad, or the president of the Caldwell and Watauga Narrow-Guage Railroad, to deliver to the presidents of said roads, or either of them, one hundred convicts in addition to the fifty already donated by above entitled act, to be worked on said railroads according to the provisions of the above entitled act: *Provided*, that nothing herein contained shall be construed to interfere with any convicts assigned to any railroad in which the State has an interest.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 20th day of February, A. D. 1879.

CHAPTER 45.

AN ACT TO PROHIBIT THE REMOVAL OF CASES EXCEPT WHEN THE ENDS OF JUSTICE ABSOLUTELY REQUIRE IT.

The General Assembly of North Carolina do enact :

SECTION 1. In all civil and criminal actions in the superior and criminal courts, in which it shall be suggested on oath, or by affirmation, on behalf of the State, or the traverser of the bill of indictment, or of the plaintiff or defendant, that there are probable grounds to believe that justice cannot be obtained in the county in which the cause shall be pending, the judge shall be authorized to order a copy of the record of said cause to be removed to some adjacent county for trial, if he shall be satisfied that a fair trial cannot be obtained in said county, after hearing all the testimony which may be offered on either side by affidavits.

Judges authorize to remove cases from one county to another.

SEC. 2. No cause, whether civil or criminal, shall be so removed unless the affidavit shall set forth particularly and in detail the ground of the application. And it shall be competent for the other side to controvert the allegations of fact in said application, and to offer counter-affidavits to that end. And the judge shall not order the removal of any such cause unless he shall be satisfied after thorough examination of the evidence as aforesaid that the ends of justice demand it.

What requisite to authorize such remove.

SEC. 3. No criminal cause shall be removed unless application as hereinbefore required shall be made before

Criminal action.

the issuing of the order summoning a special *venire*, when such shall be required for the trial of the cause, and no cause, either civil or criminal, shall under any circumstances be removed more than once by the same party.

SEC. 4. All laws and clauses of laws authorizing the removal of cases, whether civil or criminal, contrary to the provisions of this act, are hereby repealed.

SEC. 5. This act shall be in force from its ratification.

Ratified the 20th day of February, A. D. 1879.

CHAPTER 46.

AN ACT FOR THE BETTER PROTECTION OF WILD FOWL IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Gun.

SECTION 1. That it shall not be lawful for any person in the hunting of wild fowl in Carteret county to use any gun other than can be fired from the shoulder.

Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction in the superior court of Carteret county shall be fined not less than one hundred dollars or imprisoned not less than thirty days, at the discretion of the court.

Penalty.

Justice to issue warrant.

SEC. 3. That it shall be the duty of the [any] justice of the peace in said county of Carteret, upon information of the violation of this act, to issue his warrant for the arrest of the offenders and if found guilty by him, he shall bind them over in such sums as he thinks proper: *Provided*, that such sum shall not exceed two hundred and fifty dollars, to the next term of the superior court for the county of Carteret. This act shall apply to the waters of Pamlico Sound and its tributaries.

Proviso.

SEC. 4. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 20th day of February, A. D. 1879.

CHAPTER 47.

AN ACT TO AMEND BATTLE'S REVISAL, CHAPTER SIXTY-FIVE, SUB-DIVISION EIGHTEEN, IN REFERENCE TO COLTS.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter sixty-five, sub-division eighteen, line five, be amended by striking out the word "six" and inserting in lieu thereof the word "twelve."

Chap. 65, sub-div. 18, Battle's Revisal, amended.

SEC. 2. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 20th day of February, A. D. 1879.

CHAPTER 48.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CALDWELL COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Caldwell county be and they are hereby authorized and empowered to levy a special tax, at the same time with other levies, upon the taxable property and polls of said county for the year one thousand eight hundred and seventy-

Special tax authorized.

Application. nine and for the year one thousand eight hundred and eighty, said special tax to be applied to the payment of the county debt. Said special tax shall not exceed thirty-five hundred dollars for the two years, nor two thousand

How collected. for either of said years, and shall be collected and accounted for by the sheriff of said county, or other collecting officer, in the same manner, under the same penalties and within the same time as other taxes levied in said

Proviso. county: *Provided*, that the constitutional equation between polls and property shall be observed in the levy of said tax.

SEC. 2. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 20th day of February, A. D. 1879.

CHAPTER 49.

AN ACT TO REQUIRE THE PROSECUTOR TO PAY THE COSTS IN CRIMINAL PROCEEDINGS IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

When prosecutor
to pay costs.

SECTION 1. That in all criminal actions, if the defendant be acquitted, *nolle prosequi* entered, or judgment against him arrested, the costs including the fees of all witnesses summoned for the accused, whom the judge, court or justice of the peace before whom the trial took place shall certify to have been proper for the defense, shall be paid by the prosecutor, whether marked on the bill or warrant or not, whenever the judge, court or justice shall be of opinion that there was not reasonable ground for the prosecution, or that it was not required by the public interest. And every judge, court or justice is hereby fully authorized to determine who the prosecutor

How determined.

is at any stage of a criminal proceeding, whether before or after the bill of indictment shall have been found, or the defendant acquitted: *Provided, however,* that no person shall be made a prosecutor after the finding of the bill, unless he has been notified to show cause why he shall not be made the prosecutor of record. Proviso.

SEC. 2. Every such prosecutor may be adjudged not only to pay the costs, but may also be imprisoned for the non-payment thereof. Prosecutor, when imprisoned.

SEC. 3. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 20th day of February, A. D. 1879.

CHAPTER 50.

AN ACT TO REPEAL SECTION FOURTEEN AND SIXTEEN OF CHAPTER TWO OF BATTLE'S REVISAL, AND TO PROVIDE FOR THE RE-ORGANIZATION OF THE GEOLOGICAL BUREAU.

The General Assembly of North Carolina do enact:

SECTION 1. That sections fourteen and sixteen of chapter two of Battle's Revisal be repealed. Chap. 2, secs. 14, 16, repealed.

SEC. 2. The governor shall appoint, by and with the consent of the Senate, a suitable person to conduct, under the supervision of the department of agriculture, immigration and statistics, a geological, mineralogical, botanical and agricultural survey of the State; that such officer shall hold office for two years: *Provided,* that the person so appointed shall be liable to removal at any time by the governor, by and with the consent of the board of agriculture, immigration and statistics. State geologist, how appointed.
Removal.

SEC. 3. That the compensation of the person so appointed. Compensation.

ed shall be fixed by the said department of agriculture, immigration and statistics, but shall never exceed a greater rate than two thousand dollars per annum.

Expenditures,
how defrayed.

SEC. 4. That the expenditures incurred in making said surveys and reports shall be defrayed from the funds provided for the support and maintenance of the said department of agriculture, immigration and statistics: *Provided, however*, that the sum hereby authorized to be used, including the salary or compensation of the person appointed to make said surveys, shall not exceed the sum of five thousand dollars per annum.

Proviso.

SEC. 5. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 20th day of February, A. D. 1879.

CHAPTER 51.

AN ACT FOR DRAINING AND DAMMING LOW LANDS.

The General Assembly of North Carolina do enact:

Chap. 40, Revised
Code. (as amend-
ed) re-enacted.

SECTION 1. That chapter forty of the Revised Code, as amended by chapter one hundred and sixty-four of the acts of the general assembly of the session of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and ratified April tenth, one thousand eight hundred and sixty-nine, is re-enacted.

Certain statutes
repealed.

SEC. 2. That chapter thirty-nine of Battle's Revisal, chapter one hundred and twelve of the acts of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, chapter one hundred and forty-two and chapter two hundred and twenty-two of the acts of the session of one thousand eight

hundred and seventy-six and one thousand eight hundred and seventy-seven are repealed.

SEC. 3. That this act shall be in force from its ratification.

Read three times in the general assembly and ratified the 20th day of February, A. D. 1879.

CHAPTER 52.

AN ACT TO REPEAL SECTION TWENTY-NINE, CHAPTER SIX, BATTLE'S REVISAL, IN REFERENCE TO THE PAYMENT OF EXPENSES INCURRED IN CONVEYING INSANE PERSONS TO THE INSANE ASYLUM.

The General Assembly of North Carolina do enact :

SECTION 1. That section twenty-nine, chapter six of Battle's Revisal, be and the same is hereby repealed.

Chap. 6, sec. 29,
Battle's Revisal,
repealed.

SEC. 2. The expenses of carrying any insane person to the asylum, and of removing him or her therefrom, shall be paid by the county treasurer of the several counties upon the order of the chairman of the board of county commissioners, unless upon sufficient evidence before the board of county commissioners that such person, or the husband or the wife of such person, or the father or mother of such person, has sufficient property to pay such expense, and in that case such expense shall be paid by the father or guardian of such insane person, if a minor, or by the party aforesaid.

Expenses of conveying insane persons to asylum, how paid.

SEC. 3. That all laws and clauses of laws in conflict with this act the same are hereby repealed, and that this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 20th day of February, A. D. 1879.

CHAPTER 53.

AN ACT CONCERNING STREAMS USED TO PROPEL
MACHINERY.*The General Assembly of North Carolina do enact :***Authority to repair
breaks.**

SECTION 1. That wherever any streams of water which is used to propel machinery shall be by freshet or otherwise diverted from its usual channel so as to impair its power as used by any person or persons, said person or persons shall have power to repair the banks of such stream at the place where the break occurs so as to cause the stream to return to its former channel.

**Entry on another's
land.**

SEC. 2. In case the break occurs on the lands of a different person from the one utilizing the stream, the person utilizing the stream shall have power to enter upon the lands of such other person to repair the same, and in case such person object, the clerk of the superior court of the county in which the break occurs, shall, upon application of the party utilizing the stream, appoint three disinterested freeholders, neither of whom shall be related to either party, who after being duly sworn shall lay off a road if necessary by which said person may pass over the lands of such other person to the break or breaks, and repair said break or breaks from time to time as often as may be necessary, so as to cause the said stream to return to its original channel, and assess any damage which may thereby be occasioned: *Provided*, the party or parties upon whose land or lands the work is proposed to be done shall have five days' notice in writing served on him or them or left at his or their places of residence: *Provided further*, that it shall be the duty of said commissioners to assess the damages of any one on whose land said road is laid off to be paid by the applicant for said road: *and provided*, that either party shall have the right of appeal to the superior court as in other cases of appeal.

Proviso.

SEC. 3. If the owner of the lands shall prevent or in Misdemeanor. any wise hinder the person utilizing the stream from passing over his lands after the road is laid off and damage assessed as mentioned in section two, he shall be guilty of a misdemeanor, and on conviction before any justice of the peace be fined not more than fifty dollars Penalty. and imprisoned not more than thirty days or both at the discretion of the court for each offence.

SEC. 4. This act shall take effect and be in force from and after its ratification.

Read three times in the general assembly and ratified the 20th day of February, A. D. 1879.

CHAPTER 54.

AN ACT TO CONTINUE IN FORCE THE ACT TO ESTABLISH NORMAL SCHOOLS, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact :

SECTION 1. That the provisions of an act to establish Chap. 234, acts 1876-'77, amended. normal schools, ratified March seventh, Anno Domini one thousand eight hundred and seventy-seven, be extended so as to include females, and that a preparatory department may be established in connection with the colored normal school.

SEC. 2. The appropriations made in said act for the Appropriations, when to be paid. years one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight are hereby directed to be paid as in said act provided, annually thereafter, until the general assembly shall otherwise provide.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 20th day of February, A. D. 1879.

CHAPTER 55.

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND SIX,
LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEV-
ENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND
SEVENTY-SEVEN.

The General Assembly of North Carolina do enact :

Chap. 208, acts
1876-77, repealed.

SECTION 1. That chapter two hundred and six, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven be and the same are hereby repealed.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 20th day of February, A. D. 1879.

CHAPTER 56.

AN ACT TO ESTABLISH BLACK MOUNTAIN TOWNSHIP, IN
BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact :

Black Mountain
township. Bun-
combe county,
established.

SECTION 1. That a new township to be known as Black Mountain township is hereby created and established in the county of Buncombe, with the following boundaries: commencing and beginning in Cloutz's Cap on Bee-Tree mountain and running a west course between the lands of G. C. Alexander and W. Y. Porter to the Swannanoa river, thence a west course between the lands of Thomas L. White and Millington Lytle, deceased, to the top of Cane Creek mountain, thence with original Swannanoa line east to the beginning.

Powers.

SEC. 2. That said township shall have all the rights,

powers and privileges granted to townships by law, and the place of voting therein shall be at or near Grey Eagle post-office.

SEC 3. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 20th day of February, A. D. 1879.

CHAPTER 57.

AN ACT TO AMEND SECTION FIVE, CHAPTER SEVENTY-ONE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, AS BROUGHT FORWARD IN CHAPTER TWENTY-SEVEN, SECTION TWENTY-SIX, BATTLE'S REVISAL.

The General Assembly of North Carolina do enact :

SECTION 1. That section five, chapter seventy-one, laws [of] one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, as brought forward in chapter twenty-seven, section twenty-six, Battle's Revisal, be amended as follows : after the word "each" in said section insert "and such additional compensation as the board of county commissioners may deem proper."

Chap. 27, sec. 26,
Battle's Revisal,
amended.

SEC. 2. That this act shall apply only to Onslow and Robeson county[ies], and for the year Anno Domini one thousand eight hundred and seventy-nine.

Applicable only to
Onslow and Robe-
son counties.

SEC. 3. Said committee shall have power to pursue the investigation back to September first, one thousand eight hundred and sixty-eight, and have power to administer oaths.

Power of commit-
tee.

SEC. 4. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 22nd day of February, A. D., 1879.

CHAPTER 58.

AN ACT TO CHANGE THE TIME OF HOLDING THE SUPERIOR COURTS OF THE FIFTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact :

Time changed.

SECTION 1. That the superior courts of the fifth judicial district shall be held at the following times, to-wit :

Alamance.

1. Alamance, second Monday before first Monday of March and September.

Randolph.

2. Randolph, Monday before first Monday of March and September.

Gulford.

3. Guilford, first Monday of March and September.

Chatham.

4. Chatham, second Monday after the first Monday of March and September.

Orange.

5. Orange, fourth Monday after first Monday of March and September.

Granville.

6. Granville, sixth Monday after first Monday of March and September.

Franklin.

7. Franklin, eighth Monday after first Monday of March and September.

Person.

8. Person, tenth Monday after first Monday of March and September.

Caswell.

9. Caswell, on eleventh Monday after first Monday of March and September.

Rockingham.

10. Rockingham, twelfth Monday after first Monday of March and September.

Process.

SEC. 2. That all summonses and other process, civil or criminal, heretofore issued returnable to the regular terms

of the superior courts of the several counties of the fifth judicial district at the times when they were to be holden heretofore, are hereby required to be returned by the officers now having them in hand, or who may hereafter receive them, so as to conform to the change made in the times of holding said courts by the provisions of this act; and such as have already been executed and returned, and such as may be issued hereafter, are required to conform to the provisions of this act.

SEC. 3. All recognizances, obligations of bail, or other Recognizances, &c. sureties heretofore taken returnable to the regular terms as they were holden previous to this act shall be made returnable to the regular terms of the court as established by this act, with like effects and saving as if they had originally been made returnable to the terms as established by this act.

SEC. 4. The clerks of the superior courts of the coun- Publication. ties of said fifth judicial district on receiving a copy of this act from the secretary of state, who is hereby required to supply them with the same within ten days after its ratification, shall post or cause to be posted copies thereof in each township of their counties, within ten days after receipt of the same, and also at the court house door, and cause the said act to be printed in the newspapers published in their respective counties until the said courts are held in their several counties; and the expenses of such publication shall be paid by the treasury [treasurer] of the several counties, upon the order of the board of commissioners approving the contracts of the clerk of the superior courts of their respective counties for such advertisement.

SEC. 5. This act shall be in force from and after its ratification.

Ratified 22d day of February, A. D. 1879.

CHAPTER 59.

AN ACT IN FAVOR OF NATHANIEL R. JONES, SHERIFF OF WARREN COUNTY.

The General Assembly of North Carolina do enact :

Time extended.

SECTION 1. That Nathaniel R. Jones, sheriff of Warren county, be allowed till the first day of April, one thousand eight hundred and seventy-nine, 1879,) to make his final settlement with the state treasurer for taxes levied for the year one thousand eight hundred and seventy-eight.

When act to take effect.

SEC. 2. This act shall be in force when the sureties on the official bond of said sheriff shall file with the public treasurer a written consent, in proper form, approved by the attorney general, obliging themselves to agree to such extension.

Ratified the 22d day of February, A. D. 1879.

CHAPTER 60.

AN ACT FOR THE BENEFIT OF THE WINSTON, SALEM AND MOORESVILLE RAILROAD COMPANY.

The General Assembly of North Carolina do enact :

Penitentiary board to furnish convicts.

SECTION 1. The board of directors of the penitentiary shall, on application of the chairman of the board of directors of said railroad company, or the president of said road, or an authorized agent, to employ on said road under the direction of the authorities of said road, and under such guards as may be necessary, as many convicts as in the opinion of the chairman of the board of directors of said railroad company, or the president of

said road, as may be required, not to exceed one hundred and fifty, said convicts to be governed by and according to prison rules and regulations and under the supervision and control of a superintendent appointed by and subject to the penitentiary board: *Provided, however,* that the au- Proviso.
 thorities of the road upon which convicts may work shall pay the hire of said superintendent, and guard, feed and clothe and properly care for said convicts while employed upon the said road: *Provided,* that there shall be an esti- Proviso.
 mate of the net value of all the work done by the convicts' labor furnished by the State on the said railroad of the said company, and that the net value of such labor shall be a first mortgage in favor of the State upon the property and franchise of the said company. The value of the labor of said convicts shall be ascertained by two commissioners, one to be appointed by the governor and one to be selected by the said railroad company.

SEC. 2. The convicts obtained under this act shall be How long convicts to be worked.
 worked upon said road until the completion of the grading of said road.

SEC. 3. That the said chairman of the said board of directors of said railroad company, or the president of When convicts to be furnished.
 said road, shall before receiving the same from the directors of the penitentiary aforesaid, execute a receipt stating the names of said convicts, the county where and the offense of which he was convicted, and the term of his sentence; and at the expiration of the sentence, or the completion of the road, the president of the said road shall deliver the said convicts to the authorities of the penitentiary as the case may be.

SEC. 4. Nothing in this act contained shall be construed Not to affect convicts assigned to other railroads.
 to interfere with or take away any of the convicts assigned to any railroad in which the State has an interest.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 22nd day of February, A. D. 1879.

CHAPTER 61.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS
OF LENOIR COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact :

Authorized to levy
special tax.

SECTION 1. That the county commissioners of Lenoir county, be and they are hereby authorized to levy a special tax on all property, privileges and subjects taxed by the State in said county, not to exceed the sum of ten thousand dollars, one-half to be levied in the year one thousand eight hundred and seventy-nine and the other half in the year one thousand eight hundred and eighty, for the purpose of building and furnishing a court house for said county.

Taxes, where de-
posited.

SEC. 2. It shall be lawful, and the sheriff or tax-collector of said county is hereby authorized and directed to deposit under the direction of the county commissioners of said county in any national bank in North Carolina designated as a depository of the public moneys of the United States, all taxes, or any portion thereof collected by authority of this act, which deposits shall be subject to the order of said commissioners, and certificates of such deposits from the bank delivered by the sheriff or tax-collector to the said commissioners shall be evidence of the settlement of taxes collected under this act.

Constitutional
equation to be
observed.

SEC. 3. In the levying of said tax the equation provided by the constitution in relation to the property and capitation tax shall be adhered to and observed.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1879.

CHAPTER 62.

AN ACT TO LEVY A SPECIAL TAX FOR THE COUNTY OF
TRANSYLVANIA.*The General Assembly of North Carolina do enact :*

SECTION 1. That the county commissioners of Transyl-
vania county are hereby authorized and empowered to
levy a special tax, not to exceed ten thousand dollars, for
the purpose of building a court house and jail in the
town of Brevard in said county: *Provided*, the constitu-
tional equation between the property and poll shall be
observed.

Authorized to levy
special tax to
build court house.

Proviso.

SEC. 2. That the tax required to carry out the provis-
ions of this act shall be levied in five years, not to exceed
two thousand dollars in any one year.

Tax to be levied in
five years.

SEC. 3. This act shall be in force from and after its rat-
ification.

Ratified the 25th day of February, A. D. 1879.

CHAPTER 63.

AN ACT DEFINING THE JURISDICTION OF JUDGES OF THE
SUPERIOR COURTS, AS TO THE GRANTING OF INJUNCTIONS
AND RESTRAINING ORDERS, AND THE APPOINTMENT OF
RECEIVERS.*The General Assembly of North Carolina do enact :*

SECTION 1. The judges of the superior courts of this State
shall have jurisdiction to appoint receivers, issue restrain-
ing orders, and grant injunctions in all civil actions and
proceedings which are authorized by law.

Jurisdiction to ap-
point receivers, &c.

SEC. 2. All restraining orders granted by any of the

Restraining orders, before whom returnable.

judges of the said superior courts shall be made returnable before the resident judge of the district, or the judge assigned to the district, or holding by exchange the courts of the district, when the civil action or special proceeding is there depending.

Orders to show cause as to appointment of receiver, before whom returnable.

Proviso.

SEC. 3. All orders to show cause why a receiver should not be appointed shall be made returnable in the same manner and before the same judge, as prescribed in section two of this act: *Provided*, that a judge holding a special term in any county may appoint a receiver, grant an injunction, or issue a restraining order returnable before himself in any case which he may have jurisdiction to hear and determine under the commission issued to him.

SEC. 4. All laws in conflict with this act are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1879.

CHAPTER 64.

AN ACT TO ELECT OR APPOINT A ROAD-SURVEYOR FOR WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Power concerning office of road surveyor.

SECTION 1. That the board of justices of the peace, a majority being present, shall have power to create and continue or discontinue the office of road surveyor for the county, and to elect a road surveyor for the term of two years, whose compensation shall be fixed by the board of county commissioners for said county.

Duties of road surveyor.

SEC. 2. That it shall be the duty of the road surveyor to lay off all new roads and alterations of roads ordered by the board of county commissioners and to report the

same with the grades on which each portion is surveyed, and to assess the damages, if any are claimed, to the land over which they pass, deducting from the damages the benefits of the new road or the change in the road, to said lands.

SEC. 3. That either the owner of the land or the county, Damages of land-owner, how assessed. by order of the county commissioners, may have the damages reviewed by a jury, five free-holders, which shall be at the cost of the plaintiff if the damages are not changed in his favor.

SEC. 4. That where the road-surveyor is interested in When road surveyor interested. the land over which the proposed roads, or the road to be altered, may pass, the survey shall be made by a special surveyor appointed by the county commissioners for the purpose.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1879.

CHAPTER 65.

AN ACT TO PROHIBIT LIVE STOCK FROM RUNNING AT LARGE IN IREDELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any live stock Unlawful to run at large. to run at large in Iredell county within the following boundary, to-wit: beginning on the Catawba river, at the corner of Iredell and Mecklenburg counties, thence up the Catawba river to the line of Alexander and Iredell counties, thence with the Alexander county line to the foot of the hills on the north side of the South Yadkin river, thence running parallel with said South Yadkin river and the foot of the hills on the north side of the Boundaries prescribed.

same until where it crosses the line of Iredell and Davie counties, thence with the Iredell and Rowan county line to the Cabarrus line, thence with the Iredell and Cabarrus line to the Mecklenburg county line, thence with the Iredell and Mecklenburg county line to the beginning on the Catawba river.

Prescribed limits
to be fenced in.

SEC. 2. This act shall not be in force within the limits of the district embraced in the boundaries aforesaid, until a good and lawful fence has been erected around the boundaries proposed to be enclosed, with gates on all the public roads passing into and going out of said district: *Provided, however*, that the South Yadkin and Catawba rivers bordering said district, shall be deemed a good and lawful fence; *And provided further*, that no fence shall be required to be erected adjoining any other county or district which shall have or may adopt similar laws.

Proviso.

Land, when con-
demned.

SEC. 3. If the owner of any land shall object to the building of any fence herein allowed, his land, not exceeding twenty feet in width, shall be condemned for the fence-way as land is now condemned for railroad purposes by the North Carolina Railroad Company: *Provided*, that no fence shall divide a tract of land against the consent of the owner, but may follow the boundary line thereof: *Provided further*, where a public highway divides a tract of land [that] is also a county or township boundary, the fence may follow the highway as far as it constitutes such boundary, even against the consent of the owner of the land so divided. The county commissioners shall have exclusive control of erecting and repairing fences and gates herein provided for, and the appointment of such keepers of the same as they may deem proper, and they are hereby granted plenary powers for that purpose, to be exercised according to their best discretion.

Proviso.

Proviso.

Power to levy tax.

SEC. 5. For the purpose of the next preceding section, it shall be lawful for the county commissioners to levy and collect, as other taxes are collected, a special tax upon all the realty in the aforesaid district.

SEC. 6. Any person wilfully permitting his live stock to run at large within the aforesaid boundary or district, shall be deemed guilty of a misdemeanor, and on conviction, may be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Misdemeanor to permit live stock to run at large.

SEC. 7. Any person wilfully tearing down or in any manner breaking a fence or gate or leaving open a gate established or erected pursuant to this act, or wilfully breaking any closure within any township where this act is in force and wherein any stock is confined so that the same may escape therefrom, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars and imprisoned not exceeding thirty days.

Misdemeanor to tear down fence, &c.

SEC. 8. The word stock in this act shall be construed to mean horses, mules, colts, cows, calves, sheep, goats, jennets, and all neat cattle and swine.

"Stock," how construed.

SEC. 9. It shall be the duty of the county commissioners, whenever a good and sufficient fence has been erected around the aforesaid boundary, with gates erected upon all the public roads leading into and out of the same, to give public notice by advertising in three public places in each township within the aforesaid boundary of the establishment of said fence, and from and after ten days from the date of such publication the provisions of this act shall go into operation and take effect.

Public notice of fence.

SEC. 10. The commissioners of Iredell county shall order an election at the several voting precincts within each township in the county not included in the foregoing boundary, on the first Thursday in May, in the year of our Lord one thousand eight hundred and seventy-nine, after giving thirty days' notice of said election at three or more public places in such voting precincts, at which election each qualified voter shall be entitled to vote a written or printed ticket with the words "stock law" or "no stock law" written or printed upon it, and if the commissioners after the returns having been made to and examined by them,

Election.

shall ascertain that a majority of votes cast at said election in any township was for the stock law, then the provisions of this act shall be in full force and effect, in each and every township so voting.

When act to take effect.

SEC. 11. That this act shall be in full force and effect from and after the time that the conditions of this act are complied with.

Ratified the 25th day of February, A. D. 1879.

CHAPTER 66.

AN ACT TO PREVENT THE FELLING OF TREES IN JONATHAN'S CREEK, IN HAYWOOD COUNTY.

The General Assembly of North Carolina do enact :

Unlawful to fell trees.

SECTION 1. That it shall be unlawful for any person or persons to fell any tree or trees or obstruction in the waters of Jonathan's creek, in Haywood county, below R. L. Owen's mill dam on said creek to its mouth, or on the banks of the same below high water mark, and suffer the same to remain for the space of five days.

Misdemeanor.

SEC. 2. If any person or persons shall violate the first section of this act, or shall procure any person or persons so to do, he, she or they so offending or procuring others to offend, shall be guilty of a misdemeanor, and on conviction thereof shall be fined at the discretion of the court.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1879.

CHAPTER 67.

AN ACT TO CHANGE THE NAME AND AUTHORIZE THE CONSOLIDATION OF THE WESTERN RAILROAD COMPANY WITH THE MOUNT AIRY RAILROAD COMPANY, AND TO COMPLETE THE SAID ROADS.

WHEREAS, the State of North Carolina owns a large part of the stock of the Western Railroad Company which has been preserved by the action of the president and directors of the company at heavy expense and pecuniary responsibility to them, and without expense incurred by the State ;

AND WHEREAS, to make the investment a profitable one, it is necessary to complete the road ; therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That on and after the first day of March, one thousand eight hundred and seventy-nine, the name of the Western Railroad Company shall be changed to the "Cape Fear and Yadkin Valley Railway Company," and said company under such name shall succeed to all the rights, powers, privileges, immunities and franchises that are now possessed by the Western Railroad Company.

SEC. 2. One hundred and fifty additional convicts are hereby assigned to said company upon the same terms and conditions as those assigned by act of February, one thousand eight hundred and seventy-seven, and the board of directors of the penitentiary is hereby directed at its discretion to increase the number of convicts assigned as the wants of the company demand, and the number of convicts admit ; such number of said convicts as the president and directors may determine may be assigned to the work of construction at any point or points between Greensboro and the present terminus of the road.

SEC. 3. Authority is hereby given for the consolidation

Preamble.

Additional convicts assigned.

Consolidation authorized.

of this company with the Mount Airy Railroad Company upon such terms and conditions as may be agreed upon by said companies, and thereupon the Cape Fear and Yadkin Valley Railway Company shall succeed to and possess all the rights, powers, privileges and franchises which have been conferred upon said corporation by its charter and the several amendments thereto, and the said Cape Fear and Yadkin Valley Railroad Company may, with or without such consolidation with the Mount

Extension of road. Airy Railroad Company, if it deem proper, extend its road by an independent line through the counties of Forsythe, Stokes, Yadkin, Surry and Wilkes, to Patterson in Caldwell county, thence through Caldwell, Watauga, Ashe, Alleghany or Mitchell, or either of them, and connect with any railroad constructed or to be constructed in western North Carolina: *Provided*, that Patterson, in the county of Caldwell, shall be a point upon any line of road that may be determined upon up the Yadkin river.

When convicts to be furnished.

SEC. 4. Upon the consolidation of said company with the Mount Airy Railroad Company, authorized by the third section of this act, or upon the adoption of an independent line west of Greensboro, the president and directors shall place one hundred of the convicts provided for in this act to the construction of said road west of Greensboro as soon as the sum of ten thousand dollars shall be secured and ten per centum thereon paid to the treasurer of said railroad company, and thereupon section three of the act of February twenty-seventh, one thousand eight hundred and seventy-seven, shall be so extended as to include the counties of Guilford, Forsythe, Stokes, Yadkin, Surry, Wilkes, Caldwell, Watauga, Ashe, Alleghany and Mitchell.

Municipal corporations authorized to subscribe to stock.

SEC. 5. To enable said company to construct the roads authorized to be consolidated, or such independent line as may be determined upon, the authorities of any incorporated city, town, county or township in this State or

any other corporation in or out of the State, shall have full power and authority to subscribe to the stock of said company, or to purchase or guarantee its securities and contracts to such an amount as they may be authorized by the people of the cities, towns, or counties, or by the constituted authorities of any other corporation, and may borrow money and issue evidences of debt or guarantee upon such terms and conditions as they may be authorized, and the authorities of such cities, towns and counties may levy and collect taxes to pay the indebtedness incurred.

SEC. 6. To ascertain the will of the people of any city, ^{Election.} town or county, the county commissioners of any county, or the municipal authorities of any city or town, may cause an election to be held, and submit the question to the qualified voters of such city, town, county or township, notice of thirty days having been given thereof in the usual manner, and at such election those in favor of the proposition of subscription, purchase or guarantee, shall deposit their ballots "for subscription," "for purchase," or "for guarantee," and those opposing, "no subscription," "no purchase," or "no guarantee," and the county commissioners or municipal authorities shall examine the returns made by the inspectors and declare the result. If a majority of the registered voters in such city, town, county or township shall vote "for subscription," "for purchase," or "guarantee," then said city, town or county shall be authorized to make such subscription, purchase or guarantee. The will of any other corporation may be ascertained in such manner as said corporation may provide.

SEC. 7. If at any time during the construction of the ^{Reduction of} roads herein authorized the stockholders deem it advisable to reduce the value and number of shares of the present stock of the company in order to secure new and additional capital, the representative of the State in stockholders' meeting may consent to such pro rata reduction ^{shares.}

(not exceeding sixty per cent.) of the State and individual stock as the stockholders may determine.

\$50,000 appropriated to purchase mortgage bonds.

SEC. 8. For the purpose of discharging all liens and incumbrances now existing against said company, whereby the new mortgage bonds herein provided for might be impaired upon the market, and for preserving the State's interest in said road, and for paying off all the expense incident to the litigation in which said company has been compelled to engage to preserve its existence, the public treasurer is hereby directed to purchase from the said company fifty thousand dollars of the first mortgage bonds of said company, and to pay over to said company fifty thousand dollars out of any money which may be in his hands not otherwise appropriated: *Provided*, that the amount of first mortgage bonds to be issued by said company on its road shall not exceed four thousand dollars per mile of road constructed and to be constructed, and shall bear interest at the rate not exceeding seven per centum per annum, payable semi-annually: *Provided further*, that such bonds shall not be sold except as the grading of said road is completed: *Provided*, that after the expiration of the year for which the present board of directors shall have been appointed, the State shall be entitled to five directors and the private stockholders shall be entitled to four directors.

Proviso.

Proviso.

Re-assignment of convicts in case Northwestern N. O. R. R. fails to accept amended charter.

SEC. 9. That if the North-Western North Carolina Railroad Company should fail to accept the amendment to its charter passed by this general assembly at its present session, and should fail to survey and locate the road from Winston or Salem by way of Wilkesboro to Patterson, in Caldwell county, within ninety days from and after the ratification of this act, then and in that case the convicts ordered to be assigned to the said North-Western North Carolina Railroad Company shall be transferred to the Cape Fear and Yadkin Valley Railway Company, to be worked upon the same terms and conditions as the convicts furnished by this act: *Provided*, that the Cape

Proviso.

Fear and Yadkin Valley Railway Company shall within the next six months after the expiration of the ninety days above named survey and locate said road west of Greensboro or Salem or Winston by way of Wilkesboro to Patterson, North Carolina: *And provided further*, that said convicts shall be worked west of Greensboro or Salem or Winston as the board of directors may decide: *Provided further*, that upon the consolidation of the roads provided for in this act with the Ore Knob and Mount Airy Railroad, the convicts assigned by law for the construction of the said Ore Knob and Mount Airy Railroad shall be turned over to the said Cape Fear and Yadkin Valley Railway Company, to be worked west of Greensboro upon the same condition that convicts provided for by this act are worked on other portions of said road.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1879.

CHAPTER 68.

AN ACT IN RELATION TO JUDGMENTS ON APPEAL FROM JUSTICES OF THE PEACE.

The General Assembly of North Carolina do enact :

SECTION 1. That in all appeals from judgments of justices of the peace, the appellate courts, when judgment shall be rendered against the appellant, may also give judgment against the sureties to the appeal for the amount of the judgment and the costs awarded against the appellant.

Judgment against sureties on appeal bond.

SEC. 2. Strike out the following words in section sixty-three, chapter sixty-three of Battle's Revisal, viz: "and

Chap. 63, sec. 63, Battle's Revisal, amended.

execution thereon be returned unsatisfied, in whole or in part, the sureties will pay the amount unsatisfied," and also the word "unsatisfied" in next to last line of said section.

SEC. 3. This act shall be in force from its ratification. Ratified the 27th day of February, A. D. 1879.

CHAPTER 69.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BRUNSWICK COUNTY TO SUBMIT TO THE PEOPLE OF THAT COUNTY THE QUESTION OF CHANGING THE COUNTY SEAT.

The General Assembly of North Carolina do enact:

Commissioners authorized to submit question.

Election.

SECTION 1. That the county commissioners of Brunswick county shall submit to the people of said county the question of the removal of the court house and jail, and for this purpose they may order an election to be held in said county, and shall give notice thereof by advertisement at one or more public places in each township. That at said election two boxes shall be provided at every election precinct, one of which shall contain the votes for removal or no removal, and the other box shall contain the names of the places which the county commissioners may select for said removal. Each qualified elector is entitled to vote for removal or no removal and for one of the places selected by the board of county commissioners to which said court house and jail is to be removed. The returns of such election shall be transmitted in the usual manner to the county commissioners, who shall count the votes. If a majority of the votes are for removal the court house and jail shall be removed to the place which received the largest number of votes.

Commissioners authorized to borrow money.

SEC. 2. The county commissioners may borrow money on the best terms which they can to meet the expenses

of said removal: *Provided*, said expenses shall not exceed ^{Provided} the sum of three thousand five hundred dollars. They may sell the ground and lot or lots occupied by the present court-house and jail, and sell the buildings or remove them as they may deem proper.

SEC. 3. This act shall expire at the end of three years from its ratification if the board of county commissioners shall take no action thereon.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 29th day of February, A. D. 1879.

CHAPTER 70.

AN ACT TO RAISE REVENUE.

The General Assembly of North Carolina do enact:

SECTION 1. That the taxes hereinafter designated are ^{Assessment of taxes.} payable in the existing national currency, and shall be assessed and collected under the rules and regulations prescribe by law.

SEC. 2. On each taxable poll or male between the ages ^{Poll tax.} of twenty-one and fifty years (except the poor and infirm whom the county commissioners may have declared and recorded fit subjects for exemption) there shall be annually levied and collected a tax of seventy-two cents, the proceeds of such tax to be devoted to purposes of education and the support of the poor, as may be prescribed by law, not inconsistent with the apportionment established by section two, of article five, of the constitution of this State. If any poll-tax shall not be paid within sixty days after the same shall be demandable, it shall be the duty of the sheriff, if he can find no property of the person liable sufficient to satisfy the same, to attach any debt or other property incapable of manual delivery, due or belonging to the person liable, or that may become due to him be- ^{now collected.}

fore the expiration of the calendar year, and the person owing such debt, or having such property in possession, shall be liable for said tax.

Objects of taxation.

SEC. 3. The taxes hereinafter designated shall be applied to defray the expenses of the State government, and to the appropriations to charitable and penal institutions.

CLASS I.

Ad valorem tax.

SECTION 1. Upon the true value of all moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, and upon all real and personal property according to its true value in money required to be listed in section six and nine of an "Act to provide for the levying and collection of taxes," passed during the present session of the general assembly, subject to exemptions made by law, there shall be levied the following taxes:

General fund.

(1). For the general fund, twelve cents on every hundred dollars value.

Asylums.

(2). For the support of the asylum for the insane, and the institution for the deaf, dumb and the blind, six cents on every hundred dollars value.

Penitentiary.

(3). For the support of convicts and prosecution of work connected with the penitentiary, six cents on every hundred dollars value.

Tax upon bank stock, &c.

SEC. 2. The taxes imposed in the preceding section upon the shares of stock in any corporation, joint stock company, bank or banking association (whether state or national) in this State, and also on the deposits of non-residents, shall be paid by the cashier of such bank or banking association directly to the public treasurer, within thirty days after the first day of July in each year, and charged by such bank against the individual stockholders; and the assessors and board of commissioners in the county in which such stockholder resides, shall assess against his share of stock only the tax imposed by the State for school purposes and those imposed for county purposes. But the shares of stock belonging to non-resi-

How paid.

Non-residents.

dents of this State, and the deposits of such non-residents, shall be assessed for taxation for support of school and county purposes in the county in which such bank is located, and shall be paid by the cashier of such bank or banking association.

The provisions of "an act to provide for the levying and collection of taxes," passed at the present session of the general assembly, are modified to conform to the requirements of this act, and the form furnished by the auditor shall contain a separate column for "bank stock."

CLASS II.

The subjects and persons mentioned in the following second class shall be taxed as specially mentioned:

SECTION 1. On the net incomes and profits other than Income tax. that derived from property taxed, from any source whatever, during the year preceding the first day of June in each year, there shall be a tax of one per centum. The income tax shall include interest on the securities of the United States, of this State, or other states or governments. In estimating the net income, the only deduction by way of expense shall be:

1. Taxes other than the income tax due this State. Deductions.
2. Rent for the use of buildings or other property, or interest on incumbrance on property and in the business from which the income is derived.
3. Usual or ordinary repair of the buildings from which the income is derived.
4. Cost or value of the labor, except that of the taxpayer himself, new material, food, and all other necessary expenses incidental to the business from which the income is derived, together with the necessary expenses of supporting the family, all of which deductions shall in no instance exceed one thousand dollars. The income Net income to be returned to assessor. taxpayer shall return to the assessor the net amount of his income, which return the assessor shall file in the office of the county commissioner[s.]

Corporations.

SEC. 2. That whenever in any law or act of incorporation, granted either under the general law, or by special act, since the fourth of July, one thousand eight hundred and sixty-eight, there is any limitation or exemption of taxation, the same is hereby repealed, and all the property and effects of all such corporations shall be liable to full taxation like property owned by individuals, subject to the exemptions contained in the "act to provide for the collection of taxes," passed at the present session of the general assembly.

SCHEDULE B.

License tax.

The taxes in this schedule imposed are a license tax for the privilege of carrying on the business or doing the act named ; and nothing in this schedule contained shall be construed to relieve any person from the payment of the *ad valorem* tax on his property, as required in the preceding schedule, and no city, town, or other municipal corporation shall have power to impose, levy or collect any greater sum on real and personal property than one and one-half per centum of the value thereof: *Provided*, that this act shall not apply to cities or towns where a rate of taxation is fixed in their charters.

Proviso.

Theatrical companies.

SECTION 1. Traveling theatrical companies shall pay five dollars on each exhibition. When the theatrical exhibitions are by the season of not less than one month, the tax shall be fifty dollars per month.

Concerts.

SEC. 2. On each concert for musical entertainment, for profit, shall be paid three dollars, unless such concert, musical entertainment or lecture be given for religious or charitable purposes; on each lecture for reward three dollars.

Museums, &c.

SEC. 3. On museums, wax works or curiosities of any kind, natural or artificial, (except paintings and statuary) on each day's and night's exhibition shall be paid three dollars.

SEC. 4. On every exhibition of a circus or menagerie, Circuses.
for each day or part of a day, one hundred dollars.

SEC. 5. On all companies or persons whatever, who Other exhibitions.
exhibit for amusement of the public or for reward, or otherwise than is mentioned in the four preceding sections, five dollars for each exhibition or performance. Exhibitions given for the promotion of religious, educational or charitable objects, shall be exempt from taxation: *Provided*, Proviso.
no part or clause of this section shall be so construed as to exempt from taxation persons claiming to be spiritualists or mediums of communication between the material and immaterial worlds, and giving public exhibitions.

SEC. 6. On all gift enterprises, or on any person or establishment offering any article for sale, and proposing to present purchasers with any gift or prize as an inducement to purchase, twenty-five dollars, and one per centum upon the gross receipts, to be paid to the sheriff of the county. And on any lottery, whether known as a beneficial association, gift concert or otherwise, one thousand dollars, and ten per centum on gross receipts, to be paid to the sheriff or tax collector. The taxes in this section shall not be construed as giving license or to relieve such persons or establishments from any penalties incurred by a violation of the law. Gift enterprises.

SEC. 7. Every agency of a bank incorporated out of Bank agencies.
this State, one hundred dollars, to be paid to the state treasurer.

SEC. 8. The tax on billiard saloons shall be twenty dollars on each table. Every place where a billiard table is kept for hire or where liquor is sold, is considered a billiard saloon within the meaning of this act. Billiard saloons.

SEC. 9. On every bowling alley or alley of the like Bowling alleys.
kind, or bowling saloon, bagatelle table, or any other table, stand or place, for any other game or play, with or without a name, unless such alley, stand, place or game or table is kept for private amusement or exercise alone,

and not prohibited by law, there shall be a license tax of twenty dollars: *Provided*, every such alley or table, game or play used in connection with any place where spirituous or malt liquors are sold, shall be liable for said tax.

Liquor dealers.

SEC. 10. Every person who in any manner, either by wholesale or retail, sells any spirituous or vinous liquors, porter, lager beer, or other malt liquors, shall pay a tax of five per cent. on the amount of purchases of any and all liquors, in or out of the State: *Provided*, that no county shall levy for county purposes a greater sum than is hereby levied for State purposes. Any agent who offers any such liquors for sale shall pay a like tax on the value of all liquors of any description sold by him. The persons mentioned in this section shall, within ten days after the first day of January and July in each year, deliver to the register of deeds a sworn statement of the total amount of his purchase[s] for the preceding six months ending on the thirty-first day of December or the thirtieth day of June. The register of deeds shall have the same power to compel such persons to submit their books to him for examination as is given in section twelve in relation to merchants and other dealers, under the same penalties for failure to submit the books for such examination as is prescribed in said section twelve.

Proviso.

Purchases

Power of register to compel production of books.

Retail liquor dealers.

SEC. 11. Every person desiring to sell spirituous or malt liquors, wines or cordials or bitters, in quantities less than a quart, shall before engaging in said sale file his petition, stating the place and house in which he proposes to retail, and obtain an order to the sheriff from the board of commissioners of the county to grant him a license to retail at that place, which orders they may grant or refuse at their option; and if granted he may take out license, and shall pay a tax therefor of five dollars per month, and every retail dealer of malt liquors only shall pay a license tax of three dollars per month, and no license shall be issued for a shorter time than three months. Any grocer, druggist, dealer or other per-

son who shall sell spirituous or malt liquors, wines or cordials, in any quantity, if the same or any portion thereof shall at any time be drank upon the premises where such liquors, wines or cordials are sold, shall be considered to be a retail dealer within the meaning of this section: *Provided*, this section shall not be construed Proviso. to repeal or alter the provisions of any special act prohibiting or regulating the sale of liquors in any particular locality.

SEC. 12. Every merchant, jeweler, grocer, druggist and Merchants, &c. every other dealer, who shall buy and sell goods, wares, or merchandise, of whatever name or description, except such as are specially taxed elsewhere in this act, shall, in addition to his *ad valorem* tax on his stock, pay as a license tax one-tenth of one per centum on the total amount of purchases in or out of the State, for cash or on credit, whether such persons herein mentioned shall purchase as principal or through an agent or commission merchant, Every person mentioned in this section shall, within ten days after the first day of January and July in each year, deliver to the register of deeds a sworn statement of the Sworn statement of purchases. total amount of his purchases for the preceding six months, ending on the thirty-first day of December, or the thirtieth of June. Any agent or commission merchant making such purchases shall, for his principal, make and deliver the statement as herein required: *Provided*, that the per- Proviso. sons mentioned in this section may make out in writing a list of their purchases, and swear to the same before any justice of the peace for their county, and return the said list to the register of deeds; the register of deeds shall Duty of register. keep a book in which shall be recorded the list given into him, as herein required, and shall furnish the sheriff with a copy of said list within ten days after the same are given in. It shall be the duty of the sheriff to collect Duty of sheriff. from every person on the list furnished him by the register of deeds the taxes embraced therein. The register of Power of register to compel production of books. deeds shall have power to require the merchant making

- his statement to submit his books for examination to him; and every merchant failing to render such list or refusing, on demand, to submit his books for such examination, shall be guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days. It shall further be
- Misdemeanor.** the duty of the register of deeds to prosecute every merchant refusing as aforesaid, to the end of obtaining such information, and compelling payment of the proper tax.
- Duty of register.** And for such service the register of deeds shall be entitled to fifteen cents for each return made by any merchant, the same to be paid by the county commissioners. For the service required of the register of deeds in this section he shall be allowed by the county commissioners and paid by the county treasurer fifteen cents per each return made by a merchant or agent.
- Hotels.** SEC. 13. On the gross receipts of hotels, boarding houses, (except those used for educational purposes) restaurants and eating houses, the tax shall be one-fourth of one per centum.
- Ferries, &c.** SEC. 14. The tax on public ferries, bridges and toll-gates across highways, shall be five dollars and one-tenth of one per centum on gross receipts.
- Banks, brokers, &c.** SEC. 15. Every State bank, savings bank or association, conducting a business as contemplated in this section, any private banker, agent of a foreign banker or broker, every money exchange, bond or note broker, whether operating as corporations or associations, or privately as individuals, in addition to the *ad valorem* tax on their capital invested, shall pay annually a tax according to capital employed, as follows: on a capital of one hundred thousand dollars or more, two hundred dollars; on a capital of fifty thousand dollars, and less than one hundred thousand dollars, one hundred dollars; on a capital of twenty-five thousand dollars, and less than fifty thousand dollars, fifty dollars; on a capital of less amount than twenty-five thousand dollars, twenty-five dollars; and

also ten dollars additional for each county in which they have an agency, said taxes to be paid to the state treasurer. On failure to comply with the provisions of this section, the banks, associations, or persons mentioned, shall pay as taxes two thousand dollars, to be collected by the treasurer of the State. Penalty.

SEC. 16. Every person or company running sleeping cars upon any railroad in this State, shall pay for every car so run, fifty dollars per annum, and shall make returns and pay to the state treasurer as and when other State taxes are returned and paid. On failure to comply with the provisions of this section, said companies or persons shall pay as taxes two thousand dollars, to be collected by the treasurer of the State. Sleeping cars. Penalty.

SEC. 17. Every auctioneer, in all goods, wares or merchandise, sold by himself or agent, whether by ascending or descending bids, or at public outcry, shall pay one per centum on the gross amount of commissions on his sales, subject to all the regulations and exemptions set forth in the eighth chapter of Battle's Revisal, entitled "auctions and auctioneers," but tobacco warehouse-men shall pay an annual license tax of fifteen dollars and one per centum on the gross amount of their commissions on all sales of tobacco in excess of three hundred thousand pounds; and persons who keep a warehouse exclusively for the sale of cotton, where cotton is exhibited for sale, shall pay a license tax of fifty dollars. Auctioneers. Tobacco warehouses. Cotton warehouses.

SEC. 18. Every commission merchant or agent, or dealer, buying or selling for another, shall pay a tax of one per centum on his commissions: *Provided*, that when spirituous liquors, vinous or malt liquors are sold by commission merchants, they shall pay a tax of five per centum on their sales of said liquors. Any merchant, dealer or agent selling sewing machines otherwise than is provided specifically in section twenty of this schedule, shall pay a tax of ten dollars in each county. Commission merchants. Proviso. Sewing machine agents.

SEC. 19. Every person who keeps horses or mules for Livery stables.

hire or to let, with or without vehicles, shall pay a tax of two dollars per annum for every horse or mule kept for that purpose, and shall, on the first day of January and July in each year, furnish the register of deeds a sworn statement of the number of horses and mules so kept, at any time during the preceding six months, the taxes to be collected by the sheriff as taxes under section twelve of this act: *Provided*, that this section shall not apply to draymen.

Proviso.

Horse dealers.

SEC. 20. Every person who buys and sells horses or mules as a business, shall pay an annual tax of five dollars for every county in which he shall conduct his business. Every hog drover shall pay an annual tax of five dollars for every county in which he shall conduct his business. The license issued under this section shall be countersigned by the register of deeds, by whom a record of all licenses shall be permanently kept. This section shall not apply to persons who sell stock raised by themselves.

Hog drovers.

License to be
countersigned by
register.

Proviso.

Itinerant dentists,
&c.

SEC. 21. Every itinerant dentist or medical practitioner who has no fixed place of business in this State, or portrait painter, daguerrean artist, and other persons taking or enlarging likenesses of the human face, five dollars for every county in which he carries on his business: *Provided*, any person who may obtain a license from the treasurer on payment of twenty-five dollars, shall not be liable to be taxed in any county. Every itinerant dealer in prize photographs or prizes of any kind, one hundred dollars for each county in which said business is carried on.

Peddlers.

SEC. 22. Every person who, as principal or agent, peddles goods, wares or merchandise of whatever name or description, either by land or water, whether such person shall travel on foot or with a conveyance or otherwise, shall apply to the sheriff of the county in which he proposes to peddle for a license, and the sheriff shall issue the license upon the payment of a tax of ten dollars, said

license to expire at the end of twelve months from its date. The license issued as above provided shall not be valid until the same shall have been exhibited to and countersigned by the register of deeds of the county, by whom a permanent record of all such licenses shall be kept: *Provided*, that any person may obtain a license from the state treasurer for the privilege of peddling in the State the following specified articles upon the payment of the following taxes, viz.: Every person, company or manufacturer who shall sell or offer for sale any sewing machines in this State shall first pay to the State treasurer a license tax of two hundred dollars annually on the machines of each manufacturer.

License to be countersigned by register.

Proviso.

The following restrictions and exceptions shall be made: Restrictions.

That not more than one person shall peddle under the license (except as to peddlers of sewing machines, whose State license shall not restrict the number of agents employed). The licenses issued by the state treasurer under this section shall not be taxed by any county or municipal government. That nothing in this section contained shall prevent any person freely selling live stock, vegetables, chesnuts, pea-nuts, fruits or other products of the farm or dairy, oysters, fish, charts, maps, or printed music.

Sale of live stock, vegetables, &c., not affected.

That nothing herein contained shall release peddlers from paying the tax imposed in this act on persons who deal in the same species of merchandise, which tax shall be collected or received in the same manner as in the case of other merchants and traders: *Provided*, that nothing herein contained shall be so construed as to require a tax to be paid by any person other than merchants and peddlers for bartering cotton, iron, earthenware, yarns, tobacco, salt, and heavy cotton domestics, tin-ware, and barterers of their own manufacture. That it shall be the duty of every person who peddles goods, wares, merchandise, drugs, nostrums or medicines, and of whom a license for that purpose is required by law, upon demand of any constable or any justice of the peace of any township in

Not released from merchants' tax.

Proviso.

Duty to exhibit license.

Penalty.

which he shall vend or offer to vend such commodities, to exhibit his license to such constable or justice of the peace; and upon failure to do so, every such peddler shall be presumed to be peddling without license, and shall be arrested and held to answer the charge; and it shall be the duty of all constables and justices of the peace to arrest all persons peddling without the license required by law and to hold them to answer: *Provided*, that the county commissioners shall have power, at their discretion, to exempt from the operation of this section any poor, infirm person who has no other means of support.

Proviso.

Itinerant dealers
in lightning rods
and stoves.

SEC. 23. Every itinerant who deals in or puts up lightning rods, fifty dollars annually for each county in which he carries on business. Each itinerant person or company peddling stoves shall pay the annual tax of fifty dollars for each wagon, when wagons are used, for each county where he or they may peddle, and shall obtain the license as provided in section twenty-one of this act, except that the license shall expire at the end of twelve months.

Gypsies.

SEC. 24. Every company of gypsies or strolling company of persons who make a support by pretending to tell fortunes, fifty dollars for each county in which they offer to practice any of their craft, recoverable out of any property belonging to any of the company. But nothing herein contained shall be so construed as to exempt them from indictment or penalties imposed by law.

Drummers.

SEC. 25. Every person acting as a drummer in his own behalf or as agent for another person, or firm, who shall sell or attempt to sell goods, wares or merchandise, of any description, by wholesale, with or without samples, shall, before soliciting orders or making any such sale, obtain a license to sell one year from the State Treasurer, by paying said treasurer an annual tax of one hundred dollars, but shall not be liable to be taxed by any county because of his sales, and any such person who shall pay

a tax of one hundred dollars for such license, shall be exempt from any other tax, either state, county or municipal. But any dealer, whether as principal or agent, when such articles are sold by retail, (by sample or otherwise) in this State, shall be considered a peddler, and as such shall be subject to the same tax and under the same provisions as peddlers are in section twenty-one of this act: *Provided*, that the tax on each license for selling or offering to sell, any spirituous, vinous, or malt liquors in the manner prescribed in this section, shall be two hundred dollars, and no tax on said license shall be imposed by any county or municipal government. Any person violating the provisions of this paragraph shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, and shall forfeit and pay besides two hundred dollars to the sheriff, to be collected by distress or otherwise, one-half of which shall be accounted for as other taxes, the other half to the use of the informer and the sheriff equally, and it shall be the duty of all county and township bonded officers to prosecute for penalties under this section.

Sec. 26. Every insurance or assurance company doing business in this State shall pay an annual tax of two per centum to the secretary of state upon the gross receipts derived from the premiums charged for insurance obtained therein, unless the company shall exhibit to the governor, auditor and secretary of state a sworn statement of investments in real property situate in this state, or loans secured by mortgage to citizens of this state of an amount equal to one-half of such gross receipts, when the tax shall be one-half of one per centum; said tax to be paid semi-annually within thirty days after the first days of July and January in each year. Each general agent shall be required on the above named days to make a statement to the secretary of state, under oath, that the amount by him returned is a full and correct statement of such six months. On failure to comply

Sales at retail.

Liquors.

Penalty.

Insurance companies.

Tax, when payable.

Statement of receipts.

Penalty]

with the provisions of this section, every company shall pay as a tax two thousand dollars, and the principal agent shall be liable therefor. Every such company shall be required to appoint a general agent, who shall obtain a license from the secretary of state before transacting any business therein, and before such license is granted the applicant shall show to the secretary of state his appointment as general agent, under seal of the company, furnishing satisfactory evidence of the solvency of the company, and thereupon the license shall be granted by the payment of one hundred dollars, and such license shall be renewed annually by the payment of said sum. And it shall be the duty of said general agent to furnish each of his sub-agents with a commission authorizing him to do business. And any one found soliciting insurance without such commission shall be deemed guilty of a misdemeanor, and be fined not less than one thousand dollars and imprisoned not less than ninety days. The secretary of state shall furnish to the auditor of state, on the first of each month, a statement in detail of the taxes received by him under this section during the previous month, and pay to the treasurer of state the amount of such taxes: *Provided*, that no county or corporation shall be allowed to add any additional tax.

General agent. **Sub-agents.** **Misdemeanor.** **Secretary of state to furnish monthly statement.** **Proviso.** **Receipts to be listed to register.** **Duty of register.** **Duty of sheriff.** **Penalty for failing to list.**

SEC. 27. Every person required in this act to pay a tax on receipts or sales, shall list on oath to the register of deeds, on the first day of January and July in each year, the amount of receipts or sales for the preceding six months; and the register of deeds shall keep a record of the same in a book kept for that purpose. The register of deeds shall, within ten days after the list are given in, furnish the sheriff with a copy of said list, and the sheriff shall immediately proceed to collect the taxes imposed upon the copy of list furnished him. Any person failing to list his receipts or sales so required in this section, shall be subject to a double tax, to be charged against him by the register of deeds and collected by the sheriff;

and it shall be the duty of the sheriff to report all persons to the register of deeds who fail to list as is required by law. The register of deeds shall have the same power to compel such persons to submit their books for inspection as is conferred upon him in section twelve of this act in respect to merchants, etc., and the same penalties prescribed in said section twelve of this act are hereby imposed for refusal on the part of any person referred to in this section to submit his books when demanded.

Power of register to require production of books.

Penalty.

SEC. 28. No person shall follow any of the trades or professions taxed by this act, or in any other act imposing taxes on trades and professions and franchises, without first listing the same to the register of deeds, and obtaining a license from the sheriff of the county in which the trade or profession is to be followed, or the franchise enjoyed, or from the treasurer of the state when the treasurer is required to grant a license; such license shall give to the person obtaining it the right to practice the trade or profession, or to enjoy the franchises therein specified, in the county of the sheriff by whom it is issued, and in none other, unless the law imposing the tax shall otherwise direct, for the term of twelve months from its date.

Traders' license.

SEC. 29. The form of the license shall be in substance as follows:

Received this — day of —, 18—, of — dollars, of which — dollars is the tax to the State of North Carolina, and — dollars is the tax to the county of —, for his license to practice the trade (or profession) of —, until the — day of — next.

Form of license.

(Signed)

"A. B."

Sheriff of — County.

(Countersigned)

"C. D," Register of Deeds for — County.

SEC. 30. No license issued by the sheriff shall be valid until the same shall have been exhibited to and countersigned by the register of deeds of the county, who shall receive for the services imposed on him by this act in

Validity of license.

Register's fee.

reference to license, a fee of twenty-five cents from every person licensed. And the sheriff shall be allowed a fee of twenty-five cents for issuing license under this act: *Provided*, that said fees shall be paid only once a year by merchants and others who make returns to the register of deeds semi-annually.

Sheriff's fee.
 Provviso.
 Record of licenses to be kept by register.

SEC. 31. The register of deeds shall keep a book in which he shall record the names of the persons licensed, the trade or profession to be followed or the franchise to be enjoyed, the date at which it begins to run and the amount of tax, and he shall annually, during the month of November, send a certified copy of such record to the auditor of the state, who shall charge the sheriff with the amount so appearing due. If any register shall fail to perform the duty imposed on him, he shall forfeit to the State a penalty of two hundred dollars, to be recovered of him and the sureties to his official bond, on motion in superior court for the county of Wake, and on such motion a certified copy of his official bond, and the certificate of the auditor of the state setting forth the failure to make the required return, shall be *prima facie* evidence entitling the State to judgment, in the absence of any sufficient defence.

Penalty.

Penalty for failure to obtain license.

SEC. 32. Every person who shall practice any trade or profession, or use any franchise taxed by laws of North Carolina without having first paid the tax and obtained a license as herein required, shall be deemed guilty of a misdemeanor, and shall also forfeit and pay to the State a penalty not to exceed twenty dollars, at the discretion of the court, and in default of the payment of such fines, he may be imprisoned for not more than thirty days, at the discretion of the court, for every day on which he shall practice such trade or profession, or use such franchise, except in such cases where the penalty is specially provided in this act, which penalty the sheriff of the county in which it has occurred shall cause to be recovered before any justice of the peace of the county.

Fine.

Imprisonment.

Exception.

SEC. 33. The sheriff shall immediately report to the register of deeds all sums recovered by him as penalties under this act, and the register shall add three-fourths of each penalty recovered to the record of license required to be kept by him; the other fourth the sheriff may retain.

Sheriff to report penalties recovered.

SEC. 34. That in order to carry on any trade or practice any profession, or exhibit any circus, side-show or any other amusement, or to enjoy any other subject named in Schedule B, not otherwise provided for, the person so practicing, exhibiting or enjoying, or his agent, shall apply to the sheriff for a license, which shall be granted by the sheriff upon payment of the required tax, but shall not be valid until countersigned by the register, who shall keep a record of the same and receive for his service fifty cents.

Sheriff to issue licenses.

To be countersigned by register.

SCHEDULE C.

The taxes embraced in Schedule C shall be listed and paid as especially therein directed, and shall be for the privilege of carrying on the business or performing the acts named.

Privilege tax.

SECTION 1. Every railroad or canal company incorporated under the laws of this State, or doing business in this State, and not liable to a tax upon the property of said company, or the shares therein, shall pay to the State a tax on the corporation equal to the sum of one per centum upon the gross receipts of said company; the said tax shall be paid semi-annually, upon the first days of July and January, commencing upon the first day of July, one thousand eight hundred and seventy-nine; and for the purpose of ascertaining the amount of the same, it shall be the duty of the treasurer of said company to render to the treasurer of the state, under oath or affirmation, a statement of the amount of gross receipts of said company during the preceding six months; and if such

Railroad and canal companies.

Statement of gross receipts.

Failure to make
statement.

Penalty.

Proviso.

Additional tax.

When shares of
capital stock
taxed.

company shall refuse or fail, for a period of thirty days after such tax becomes due, to make return or to pay the same, the amount thereof, as near as can be ascertained by the public treasurer, with an addition of ten per centum thereto, shall be collected for the use of the state, as other taxes are collected : *Provided*, that when a line of railroad or canal, belonging to any company liable to this tax, lies partly in this state and partly in an adjoining state or states, the part or share of such earnings of the company only shall be subject to the tax as will be in that proportion to the whole receipts which the length of the road or canal within the limits of the state shall bear to the whole length of such road or canal. Every railroad or canal company, incorporated under the laws, or doing business in this State, which is liable to a tax upon its franchise and personal property, but exempt from a tax upon its real estate, held for right of way, station-places and workshop locations, shall, in addition to other taxes, pay as a tax upon said corporation a sum equal to one-half of one per centum upon the gross receipts of said company, said tax to be paid and collected as prescribed in the preceding section ; and when such railroad or canal does not lie wholly in this state the amount for which such company is liable shall be ascertained in the manner directed in said section. Every railroad and canal company incorporated under the laws of this state, and doing business herein and not liable to a tax upon the property of said company, or the tax before mentioned in this section, shall pay a tax of one per centum upon the actual cash value of every share of its capital stock to the treasurer of the state, for its use, on the first day of July, one thousand eight hundred and seventy-nine, and each year thereafter ; and for the purpose of ascertaining the value of said shares, it shall be the duty of the treasurer of the company to render to the treasurer of the state, under oath or affirmation, a statement of the assets and liabilities of said company ; and if such company

shall refuse or fail, for a period of thirty days after such tax becomes due, to make return or pay the same, the amount thereof, or as near as can be ascertained by the public treasurer, with an addition of ten per centum Penalty. thereto, shall be collected for the use of the state, as other taxes are collected: *Provided*, that when the line of the Proviso. railroad or canal belonging to a company liable to this tax lies partly in this state and partly in an adjoining state or states, the company shall only be required to pay the tax on such number of shares of its capital stock as would be in that proportion to the whole number of shares which the length of the road or canal within the limits of the state shall bear to the whole length of such road or canal: *Provided, however*, the tax required to be paid on Proviso. July first, one thousand eight hundred and seventy-nine, upon the said corporations under this section shall be a sum equal to the per centum required on gross earnings from April first, one thousand eight hundred and seventy-nine.

SEC. 2. Every express company shall make return to Express companies. the public treasurer on or before the first Monday in January, April, July and October in each year of the entire gross earnings and receipts of each company within the state of North Carolina, during the three months next preceding. The said reports shall be verified by the oath of the chief officer of the company, or agent of the company, at its principal office in this state. The said company shall on or before the third Monday of each of the said months pay on the gross receipts two per centum for each three months, and for failure to make such report or pay such tax the company shall pay a penalty of two Penalty. thousand dollars, to be collected by such sheriff as the public treasurer may designate, by distress or otherwise.

SEC. 3. Every telegraph company doing business in Telegraph companies. this state shall at the time and in the manner prescribed in the preceding section make report of the entire receipts of said company within this state, and pay to the public

Penalty.	treasurer two per centum for each three months, and in case of default of such report and payment the company shall pay a penalty of one thousand dollars, to be collected by such sheriff as the public treasurer shall designate, by distress or otherwise.
Tax on seals, &c.	SEC. 4. Whenever the seal of the state, of the treasury department, of a notary public or other public officer required by law to keep a seal, not including clerks of courts and other county officers, shall be fixed to any paper, the tax shall be as follows, to be paid by the party applying for the same: For the seal of the state one dollar, to be collected and paid in[to] the treasury by the private secretary of the governor; for the seal of the state department fifty cents, to be collected by the secretary of state and paid by him into the treasury; for the seal of the state treasurer, to be collected by him and accounted for as other public moneys, fifty cents; and for the seal of a notary public twenty-five cents, to be collected and paid over by said officers to the sheriff of the county where such seal is kept. Said officers shall keep an account of the number of times their seals may be used and shall deliver to the proper officer a sworn statement thereof.
Accounts to be kept.	Whenever a scroll is used, in the absence of a seal, by any of said officers, the said tax shall be on the scroll. Seals affixed for the use of any county or state or other government, or used on commissions of officers in the militia, justices of the peace or any other public officer not having a salary, or under the pension law, or upon any process of court, shall be exempt from taxation. The officers collecting the said taxes may retain as compensation five per centum, except in the case of sheriffs, whose commissions shall be allowed by the auditor. Any person receiving taxes under this section and wilfully refusing or neglecting to pay the same as required, shall be guilty of embezzlement, and on conviction shall be fined not more than five hundred dollars or imprisoned in the state prison in the discretion of the court.
Tax on scroll.	
What seals exempt.	
Officer's fees.	
Embezzlement.	
Penalty.	

SEC. 5. On each marriage license fifty cents, and the register of deeds shall be entitled to fifty cents as a fee for issuing said license and no more; and on each marriage contract, mortgage deed, and deeds in trust to secure creditors, where amount secured exceeds three hundred dollars, there shall be a tax of one dollar. The tax on marriage licenses shall be paid to the register of deeds [when he issues the license, and the tax on the deeds] to the judge of probate of the county in which the instrument is admitted to registration; but if in two or more counties, then in the county in which it is first registered. It shall be the duty of the judge of probate and register of deeds to render annually to the sheriffs, during the second week of the month of November, sworn statements in detail of the taxes received by them respectively under this section, and at the same time pay him the money thus received, less five per centum commissions, and thereupon the sheriff shall file the statement of the judge of probate with the register of deeds, and that of the latter with the clerk of the superior court: *Provided*, that mortgage deeds, deeds in trust or other conveyances made to secure agricultural advancements shall not be subject to any tax under this section.

Marriage licenses,
mortgages, &c.

Duty of probate
judge and register.

SEC. 6. Every bill introduced in either house of the general assembly to incorporate any company, or for the benefit thereof, or to amend any act relating to such company or corporation, shall be accompanied by a receipt from the state treasurer for twenty-five dollars. On every charter of incorporation of any company, organized under any general law, there shall be a tax of twenty-five dollars, paid directly to the state treasurer. No company shall be organized under any general law without first paying the tax herein required, and no clerk or court shall authorize any company to be organized unless the receipt for the tax herein required shall accompany the application of incorporation. This section shall not be

Bills of incorporation
introduced in
the general assembly.

Charters of incorporation.

Not applicable to benevolent, &c., associations. construed to apply to benevolent, charitable, literary or religious associations.

Fines, penalties and forfeitures.

SEC. 7. Whenever any officer receives or collects a fine, penalty or forfeiture in behalf of the state, or any tax imposed on licenses to retailers of wines, cordials or spirituous liquors, and auctioneers, he shall, within thirty days after such reception or collection, pay over and account for the same to the treasurer of the county board of education for the benefit of the fund for common schools in such county.

Embezzlement.

SEC. 8. Any officer convicted of violating the preceding section, or of appropriating to his own use the state, county, school, city or town taxes, shall be guilty of embezzlement and may be punished not exceeding five years in the state prison at the discretion of the court.

Penalty.

Repealing clause.

SEC. 9. All laws imposing taxes, the subjects of which are revised in this act, are hereby repealed: *Provided*, that this repeal shall not extend to the provisions of any law, so far as they relate to the taxes listed, or which ought[t] or would [have] been listed or which may be due previous to the ratification of this act.

Proviso.

Duty of auditor.

SEC. 10. That the auditor of this state shall not make or cause to be made any headings or blanks to or on the form which he is required to supply to the several counties of the state, other than such as are required, and as are indispensably necessary under the provisions of this act, or as may be hereafter required by law, nor shall any taxes be levied directly or indirectly by the said auditor, any law heretofore passed to the contrary notwithstanding; and if the auditor shall be guilty of any violation of this section he shall, on conviction, be punished in the discretion of the court.

Penalty.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 71.

AN ACT TO PROVIDE FOR THE LEVYING AND COLLECTION
OF TAXES.*Assessment and valuation of lands:*

SECTION 1. *The General Assembly of North Carolina do enact:* The county commissioners of the several counties in the state shall, at their April session, appoint one justice of the peace, or other suitable person, in each township to list and assess all the lands and personal property of said township for the year one thousand eight hundred and seventy-nine and annually thereafter as hereinafter provided. At the same meeting for the year one thousand eight hundred and seventy-nine the county commissioners shall appoint two intelligent and competent persons as assessors for the county at large, who shall make a tour of the whole county, and shall assist the several township assessors to make a true valuation in such manner as shall be hereinafter provided, for the year one thousand eight hundred and seventy-nine. An entirely new assessment of real estate shall be made throughout the State, which shall be in force, except as herein otherwise provided, until altered by law. Each of the township assessors for their services shall be allowed such sum as the commissioners may deem proper, not to exceed two dollars per day: *Provided*, the county commissioners shall be the judge of the number of days actually necessary for taking the list, and may regulate the same when a greater number of days are charged for than they may deem necessary. The two assessors for the county at large shall each receive not exceeding the sum of two dollars per day while actually engaged in the

Township Assessors.

Assessors at large.

New assessment of real estate.

Compensation of assessors.

Proviso.

Compensation of assessors at large.

discharge of their duties. All of said assessors shall be paid by the county.

Meeting of assessors.

SEC. 2. The county commissioners shall at their April meeting annually issue a call to all the assessors of the county to meet at the county seat on the first Monday in May for consultation ; and the chairman of the county commissioners shall meet with said assessors and answer such questions and give such instructions as shall tend to a uniformity in the action of the assessors in his county ; and the chairman of county commissioners shall deliver to said assessors blank forms and instructions, or forward them to said assessors immediately after said meeting.

Notification to tax-payers.

SEC. 3. Each township assessor shall advertise in five or more public places within his township immediately after said May meeting, notifying all tax-payers to return to said assessors all the real estate and personal property which each tax-payer shall own on the first day of June, requiring said return to be made to said assessors within twenty days after the first of June, under the pains and penalties imposed by law.

Statement of taxable property.

SEC. 4. Each person required to list property shall make out and deliver to the township assessors a statement, verified by his oath, of all the real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies, annuities or otherwise, in his possession or under his control, on the first day of June, either as owner or holder thereof, or as parent, husband, guardian, trustee, executor, administrator, receiver, accounting officer, partner, agent, factor or otherwise.

When the list is to be given in :

When and by whom tax-list given in.

SEC. 5. The list shall be given in by the person charged, or his agent, within twenty days after the first day of June as herein prescribed. The property of a corporation shall be given in by the president, cashier, treasurer, or other person appointed for that purpose.

Real property and farming stock, etc., shall be given in where situated on the first day of June:

SEC. 6. All real property and all stock or farming utensils, and other personal property used in connection with the cultivation of a farm, subject to taxation, shall be given in in the township in which said property is situated on the first day of June, and where the line of any township runs through any residents' land the same shall be listed in the township of such resident.

Real property and farming stock, &c., where listed.

All other property and polls to be given in where tax payers reside on the first day of June:

SEC. 7. All other personal property whatever, including money on hand or on deposit, credits, investments in bonds, stocks, stocks in national, state and private banks, joint stock companies, railroad, canal company or otherwise, and all taxable polls and all other subjects liable to taxation, except such franchise and personal property as are herein specially provided for, shall be given in in the township in which the person so charged resides on the first day of June. The residence of a corporation, partnership, or joint stock association, for the purpose of this act, shall be deemed to be in the township in which its principal office or place of business is situated. If, however, the corporation, partnership or association, have separate places of business in more than one township, it shall give in in each township the property or effects therein, but any body of lands belonging to persons or a corporation, partnership or association, and divided by township lines, shall be given in in that township in which the larger part thereof is situated.

Other property, where listed.

SEC. 8. At the time and place appointed by the assessors the tax-payer shall attend and shall file with the assessor, on a blank to be prepared and furnished by the state treasurer, a verified statement of all the property of

Tax-payer to list property under oath.

Valuation. every kind and description owned by the tax-payer. The tax-payer shall also swear to the true value of all his property and choses in action, except land, which shall be valued by the assessors, which oath shall be in the following form, to wit:

Form of oath. I,, do solemnly swear (or affirm) that the list furnished by me contains a true and accurate list of property which by law I am required to list for taxation, and that the value fixed thereon by me is a fair valuation of the same, according to my best knowledge, information and belief, so help me God.

Any person making a false return shall be deemed guilty of perjury. Property held in trust, or as agent, guardian, executor or administrator, or in right of a *feme covert*, shall be returned on separate lists.

What the list shall contain :

What tax list shall state. SEC. 9. The list shall state all the property of the person giving in, and also the age of the party, with reference to his liability to a poll-tax, and shall refer to the first day of June in that year.

Land. 1. The quantity of land owned in the township; the land shall be described by name, if it has one; otherwise in such way that it may be identified, and shall be valued as herein prescribed.

Live stock. 2. The number of horses, mules, jacks, jennies, goats, cattle, hogs and sheep, separately, with the value thereof, and they shall be returned at their true value.

Farming utensils, &c. 3. The true value, without specifying the articles, of farming utensils, tools of mechanics, household and kitchen furniture, provisions, arms for muster, libraries and scientific instruments.

Moneys, &c. 4. Money on hand, including all funds invested within

thirty days before in United States bonds or other bonds or stocks, or any non-paying property whatever.

5. The amount of solvent credits, including accrued Solvent credits. interest uncollected, owing to the party, whether in or out of the State, whether owing by mortgage, bond, note, bill of exchange, certificate, check, open account, or due and payable, or whether owing by any state or government, county, city, town, or township, individual or company or corporation. Any certificate of deposit in any bank, whether in or out of the State, certificate of stock in any corporation or trust company, whether in or out of the State, and the value of cotton, tobacco or other property in the hands of commission merchants or agents, in or out of the state, shall be deemed solvent credits within the meaning of this act. If any credit be regarded as not entirely solvent it shall be given in at its true current or market value. The party may deduct from the amount of promissory notes and accounts owing to him the amount of such notes and accounts owing by him.

6. Stocks in national, state and private banks, and Bank stock &c. stocks in any incorporated company or joint stock association, railroad, telegraph or canal company, with their true value; and every cashier or treasurer of any bank, corporation or association shall furnish a list of its stockholders and depositors resident in the several counties of this state, on the first day of June each year, to the county commissioners of the county in which such stockholders or depositors resides, and shall also state the true value of such stock and the amount of deposits.

7. All other personal property whatever, including Other personal property. therein all cotton in seed or lint, tobacco, either in leaf or manufactured, turpentine, rosin, tar, brandy, whiskey, medical instruments, goods, wares and merchandise of all kinds, plated and silver ware, and the watches and jewelry possessed by the party, his wife or any minor child.

8. The income of the party for the twelve months next Income. preceding the first day of June in the current year, with

a statement of the source or sources from which it was derived. That the property mentioned in sub-division two, three and seven of this section shall be valued at its true value, estimated at what it would bring at a voluntary sale.

Non-residents. 9. If the party be a non-resident of the county, and owns land therein, it shall state his address, and may name any agent in the county to whom notices may be given respecting his taxes.

Duty of assessors. SEC. 10. The assessor shall be particular to examine each person on oath as to whether he has not other property than that stated in his return, which he may claim not liable to taxation, or to be exempted therefrom. Such property shall be entered and noted on the tax-list: and if the county commissioners shall be unable to decide the legal questions involved, it shall be their duty to consult the state treasurer about the matter, and to be governed by his decision.

Duty of county commissioners.

Guardians, executors, etc., to give in separately :

Guardians, executors, &c. SEC. 11. Every guardian, executor, administrator, or trustee shall in like manner, but on a separate list, give in the property held by him in that capacity; and the

Cashiers, &c. the cashier of each bank or banking association (whether state or national) in the state, shall give in to the assessors for the township in which such bank or banking association is situated, all shares of stock composing their corporation, as agent for and in the name of the owners of said shares of stock, who may be non-residents of this state, and the deposits of all non-residents.

Valuation of franchise :

Franchise of railroads, &c. SEC. 12. The value of the franchise of every railroad, canal, turnpike, plank road and transportation company, whether lying wholly or partly in this state, shall be given [in] by the president or other chief officer of the said several corporations on the day fixed by this act

for the giving in of the taxable property to the treasurer of the state, and shall be assessed by the treasurer, the auditor and the governor of the state on the third Monday in June each year, and their valuation shall be returned to the county commissioners in any county in which any portion of said road, canal or navigation works shall be; and the tax collected in each county and township shall be in proportion to the length of such road, canal or works lying in such county or township respectively. In fixing the valuation of any property the assessor[s] shall regard the list returned as *prima facie* evidence of the value thereof; but such assessors may, if they deem needful, avail themselves of other additional evidence under oath as to the completeness of the list and the affixed valuations, but in no case shall it be reduced below the sum stated in the list. The franchise of the Albemarle and Chesapeake Canal Company shall be assessed by a board of five persons to be appointed by the county commissioners of Currituck county at their meeting in June, one thousand eight hundred and seventy-nine, and annually thereafter. In case any officer fails to return the property as provided in this section, the board of assessors shall ascertain the length of such property in this state, and shall assess the same in proportion to length at the highest rate at which property of that kind is assessed by them.

What property exempt from taxation :

SEC. 13. 1. The property belonging to the United States Exemptions. or this state, or to any county or incorporated town.

2. The property belonging to and set apart and exclusively used for the university, colleges, institutions of learning, academies, the masonic fraternity, order of odd fellows, knights of Pythias, independent order of mechanics, good templars and friends of temperance, knights of honor, good samaritans and love and charity, schools for the education of the youth, or support of the poor and afflicted, orphan asylums, such property as may be set apart

Proviso.

for and appropriated to the exercise of divine worship, or the propagation of the gospel, or used as parsonages, the same being the property of any religious denomination or society: *Provided*, that said exemption shall not extend to more than twenty acres of land, if the excess over twenty acres is of value exceeding one thousand dollars, nor to solvent credits.

3. Such property as may be set apart for graveyards or burial lots, except such as are held with a view to profit, or for the purpose of speculating in the sale thereof.

4. Twenty-five dollars of personal property of each individual tax-payer.

How real property shall be valued :

How real property valued.

SEC. 14. Each separate parcel of real property shall be valued at its true value in money, but the price for which such real property would sell at auction, or at forced sale, shall not be taken as the criterion of a true value ; and where the fee of the soil of any tract, parcel or lot of land is in any person or persons, natural or artificial, and the right to any minerals therein is in another or others, the same shall be valued and listed agreeably to such ownership in separate entries, specifying the interest listed, and shall be taxed to the parties owning the different interests respectively.

Refusal of taxpayer to answer questions.

Misdemeanor.

Power of assessors and county commissioners.

SEC. 15. If any person liable to be charged with taxes shall refuse to answer any questions respecting his property, or shall refuse to fill up and [swear] to his return, he shall be guilty of a misdemeanor, and on conviction liable to be punished by fine not exceeding fifty dollars or imprisoned not exceeding thirty days, and it shall be the duty of the assessors to have the offender prosecuted. And every assessor and county commissioner shall have power to send for persons and papers, and to examine witnesses and to administer oaths.

Auditor to provide forms and sheriffs to distribute to assessors :

SEC. 16. The auditor of the state shall prepare a form Auditor to provide forms. to be used in listing property for taxation, and each year shall furnish the sheriff of each county on or before the fifteenth day of May, with a sufficient number of printed copies, bound in book form, with pasteboard backs, and the sheriff shall deliver to the assessor of each township a sufficient number of such forms for use.

SEC. 17. The two assessors for the county at large shall Duty of assessors at large. make a tour of the county between the twentieth day of June and the second Monday in August, and shall meet the assessors of each township at some certain time and place, after first having given ten days' notice by due advertisement of their appointments in each township. They shall visit each township in the county, and together with the township assessor shall correct and revise the tax lists, and shall have power to hear complaints and to equalize the valuation of all real and personal property, moneys and credits within the township, and to add or deduct from the valuation of the real or personal property, moneys or credits of any person returned by the township assessors, or which may have been omitted by him, and may add other items upon such evidence as shall be satisfactory to them; but they shall not reduce the aggregate valuation of the property of the township as made by the township assessors. And they shall be particular to value all real estate and other property at its true value, and not at what it would be supposed to be worth at forced sale.

Assessors to make an abstract of their tax lists :

SEC. 18. The assessors shall make an abstract of the Assessors to make abstract of tax-lists. tax lists given into him, according to the form to be furnished by the auditor of the state, and shall, on or before the third Monday in August in each year, return such abstract and the tax lists to the clerk of the commission-

List of property
not listed.

ers. He shall also return a list of the property in the township not given in for taxation, with a description and valuation thereof, made by the assessor, and the names of the occupant and supposed owner, and a list of the taxable polls of the township not given in for taxation. The returns so made shall be open to the inspection of all persons interested, and the clerk shall give to any person desiring it a copy of so much thereof as relates to his property, on paying a fee of ten cents.

County commissioners to revise lists, when :

Revisal of tax-lists
by county commis-
sioners.

SEC. 18. The county commissioners of each county, after notice in one newspaper or by posters put up, shall meet on the fourth day in August with the assessors for the county at large and revise the tax lists and valuation reported to them, and complete the lists by computing the tax payable by each person and affixing the same opposite his name. They shall sit for one day at least, and when necessary shall sit until the revision is complete, and shall hear all persons objecting to the valuation of their property, or to the amount of tax charged against them. They shall have power to summon and examine witnesses, and shall correct the abstract of the assessors as may be right and just, and so that the valuation of similar property throughout the county shall be as near uniform as possible. They shall have power, after notifying the owner or agent, to raise the valuation upon such property as they shall deem unreasonably low. The said assessors and county commissioners on tendering the prescribed oath may take the list of any person applying to list his taxables, at any meeting of the commissioners held on or before the fourth Monday in August, upon his paying the clerk twenty-five cents for recording the same. The commissioners shall ascertain the value of his property by the examination of witnesses or otherwise and insert it in the abstract, and without satisfactory excuse they shall add to the tax of

the person so allowed to give in, five per centum on the regular amount of his tax for that year.

The complaints of excess proceed[ed] with :

SEC. 19. If any person shall complain before the commissioners that his property, either real or personal, has been improperly valued, or that he is charged with an excessive tax, he shall present his claim in writing, and they shall hear any evidence adduced by him, and shall summon and examine any witness necessary for a just decision of the question. If they decide against the complainant they shall also give judgment against him for the cost of the investigation, but if the county commissioners shall find that he has cause for complaint they shall direct their clerk to render a true account thereof, and the account thus rendered, certified by the clerk, shall be rendered to the auditor, who shall credit the sheriff with the overcharge in his settlement for that year.

Complaints of over-valuation or excessive taxation.

Application after settlement :

SEC. 20. If the application for relief be made to the commissioners after the sheriff shall have settled the accounts with the county, the commissioners shall carefully examine the case, and if in their opinion the applicant is entitled to relief, shall direct the clerk to record on the record-book the cause of complaint and the amount which, in the opinion of the commissioners, should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same under the seal of the commissioners, and deliver it to the applicant, who shall pay the clerk a fee of twenty-five cents. Such copy then shall be transmitted to the auditor of the state, who, on finding the proceedings in conformity with the requirements of this order, shall issue a warrant on the treasurer of the state for the amount specified. The treasurer shall, on presentation of such warrant, pay to the holder of the same the amount to be refunded.

Application for relief after settlement of sheriff.

Tax refunded.

Persons not giving in to be charged with double tax and be deemed guilty of a misdemeanor :

Double tax.

SEC. 21. The county commissioners shall insert in the abstract of the tax-list for each township the description and valuation of all property not given in, with the name of the persons supposed to be liable for a poll-tax who failed to give themselves in, and shall charge all such persons with double the tax with which they would otherwise be chargeable, unless satisfactory excuse therefor be rendered ; and all persons who are liable for a poll-tax, and shall wilfully fail to give themselves in, and all persons who own property and wilfully fail to list it within the time allowed before the list-taker and the county commissioners, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

Misdemeanor.

Unlisted land.

SEC. 22. In all cases where the county commissioners shall have omitted, or in any future year shall omit to enter upon the duplicate of their county any land or town lots situated within their county, subject to taxation, it shall be their duty, when they enter the same on the duplicate of the next succeeding year, to add to the taxes of the current year the simple taxes of each and every preceding year in which such land or town lots shall so have escaped taxation, with twenty-five per centum in addition thereto, as far back as the said lands have escaped taxation, unless in the meantime such lands or lots have changed ownership, in which case only the taxes chargeable since the last change of ownership shall be added. Where no assessment has been made for the years in which said property has so escaped taxation, the commissioners shall be authorized to value and assess the same for those years.

Back taxes.

Change of ownership.

Assessment.

Oath of assessors.

SEC. 23. The assessor, upon making return to the county commissioners of the list and statements, shall take and subscribe an oath to the effect following, which may be administered by the chairman of the board of

county commissioners or any officer authorized to administer oaths: "I,, assessor of, in the county of, do solemnly swear that the value of all real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, of which a statement has been made to me by the person[s] required by law to list the same is truly returned, as set forth in such statement; that in every case where by law I have been required to ascertain the items and value of the real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, of any person, company or corporation, I have diligently, and by the best means in my power, endeavored to ascertain the real value thereof; and that I verily believe a full list with the value thereof, estimated by the rules prescribed by law, is set forth in the annexed returns; that in no case have I knowingly omitted to receive of any person of whom by law I was required to receive a statement of the description and value of real and personal property, or of the amount of moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, which he was required to list, or in any way connived at any violation or evasion of any of the requirements prescribed by law in relation to the listing or valuation of property, moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, of any kind, for taxation; and that I have returned to the county commissioners the original returns made to me, or which I have made, or which by law I am required to procure and return." And any assessor making a false return as

False return.

aforesaid shall be deemed guilty of perjury.

The county commissioners may exempt from poll-tax :

SEC. 24. The county commissioners shall have power to exempt any person from the payment of a poll-tax on account of both poverty and infirmity, and when such persons have been once exempted they shall not be re-

Exemption from poll-tax.

Certificate of exemption.

When sheriff to be credited.

quired to renew their application for such exemption unless the commissioners shall revoke the exemption. When such exemption shall have been made the clerk of the commissioners shall furnish the person with a certificate of such action, and upon exhibiting said certificate to the list-taker annually the person to whom it was issued shall not be required to list his poll; the clerk shall deliver to the sheriff a list of all persons so exempted, with the amount of taxes charged against him, and the sheriff shall be entitled to a deduction of such taxes in any settlement he may be required to make.

Copies of revised tax list, how distributed :

Copies of revised tax-list, how distributed.

Order of collection to sheriff.

Effect of order.

SEC. 25. The county commissioners shall cause to be made out two copies of the tax list of each township as revised and settled by them, according to a form to be furnished to them by the auditor of the state. Such form shall show, in different columns, the sums due by each tax-payer to the state and to the county; one of said copies shall remain in the office of the clerk of the commissioners, the other shall be delivered to the sheriff or tax collector on or before the first Monday in September in each year, and he shall receipt for the same. The clerk shall endorse on the copies given to the sheriff an order to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the property of the person charged in such list. In such list the clerk shall note all appeals from the judgment of the commissioners which have been perfected by the giving of a bond. Said order shall be in the following or some similar form :

Form of order.

STATE OF NORTH CAROLINA, } OFFICE BOARD OF COMM'RS,
..... County. } County.

To the Sheriff of County :

You are hereby commanded to collect the taxes herein

mentioned, according to the provisions and requirements of the existing law.

In witness whereof I hereunto set my hand and seal,
..... day of, 187....

.....
Clerk Board of Commissioners.

Tax liens :

SEC. 26. The lien of the state and county taxes levied for Lien of taxes.
all purposes in each year shall attach to all real property subject to such taxes, on the first day of June annually, and shall continue until such taxes, with any penalty which shall accrue thereon, shall be paid; all personal property subject to taxation shall be liable to be seized and sold for taxes, and the personal property of any deceased person shall be liable, in the hands of any executor or administrator, for any tax due on the same by any testator or intestate.

SEC. 27. Any taxes assessed on any shares of stock, or Tax lien on bank stock, &c.
the value thereof, of any bank or banking association, or any corporation, shall be and remain a lien on such shares from the first day of June in each year, until such taxes are paid; and in case of the non-payment of such taxes at the time required by law by any shareholder, and after notice received from the county treasurer of the non-payment of such taxes, it shall be unlawful for the cashier or other officer of such bank or banking association or corporation to transfer or permit to be transferred, the whole or any portion of said stock until the delinquent taxes thereon, together with the cost and penalties, shall be paid in full; and no dividend shall be paid on any stock so delinquent so long as such taxes, penalties and costs, or any part thereof, remain due and unpaid. How collected.

SEC. 28. It shall be lawful for any such bank or banking association to pay to the treasurer, sheriff or tax collector of the county in which such bank or banking asso- Banks, &c., authorized to pay taxes due from shareholders.

ciation or corporation may be located the taxes that may be assessed upon its shares as aforesaid, in the hands of its shareholders respectively, and deduct the same from any dividends that may be due or may thereafter become due on any such shares, or deduct the same from any funds in its possession belonging to any shareholder as aforesaid.

Clerk to transmit abstract of tax list to the auditor :

Abstract of tax-lists to be returned by clerk to auditor.

SEC. 29. The clerk of the commissioners on or before the first Monday in November, after the lists are returned, shall return to the auditor an abstract of the same, showing the number of acres of land and their value, and the value of town lots, and the number of white and colored polls separately, and specify every other subject of taxation, and the amount of state and county tax paid on each subject, and the amount paid on the whole. At the same time the clerk shall return to the auditor an abstract of the list of the poor, county and school taxes paid in his county, setting forth separately the tax levied on each poll, and on each one hundred dollars' value of real property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

Penalty on clerk for default :

Penalty for failure to make return.

SEC. 30. If any clerk shall make a default of any of the duties prescribed in the preceding section, or shall fail to deliver to the auditor a copy of the sheriff's return, made, sworn to and subscribed as required in section forty-one of this act, he shall forfeit and pay to the state one thousand dollars, to be recovered against him and the sureties of his bond in the superior court of Wake county, before the clerk thereof, on motion of the state solicitor, and it shall be the duty of the auditor to inform the solicitor of such default.

Duty of auditor.

In case land be divided, how tax may be apportioned :

SEC. 31. In case, within the interval between the regular periods for the valuation of lands or real property, any piece of land or reserve property shall become divided in ownership, either by partition or sale of a portion thereof or otherwise, either of the part owners may, at any time upon five days' notice to the other part owners, apply to the commissioners for an apportionment of valuation, which shall be allowed as may be just ; and all persons having tax lists are required to amend the same according to the assessment of said board on the production of a certified copy thereof: *Provided*, that no amendment made after a tax on the land has become due shall operate to effect that tax.

How valuation of land apportioned in case of division.

Proviso.

Valuation altered, when :

SEC. 32. If any real or personal property has been, or after listing shall be destroyed or depreciated over twenty-five per centum on its assessed value otherwise than by act of the owner, the party charged may apply to the county commissioners, and upon proper proof may have the valuation reduced, and the commissioners shall make the proper order in relation thereto. In like manner, if property shall have increased twenty-five per centum over the same at which it has been heretofore assessed, the assessor, upon ten days' notice to the owner, may apply to the board of commissioners to alter the valuation of the property, and upon proper proof they shall do so.

Valuation of property, how reduced in case of destruction or depreciation.

Increase in value.

Duty of assessors.

When taxes may be paid, when due :

SEC. 33. All taxes shall be due on the first Monday in September in each year. When paid the sheriff or tax collector shall note on the tax list, against the name of the party, the date of payment and the amount paid ; he shall also give a receipt to the parties stating the amount of the state and county tax separately, and the date of payment, and for failure to give such receipt stating the

When taxes due.

Sheriff to give receipt when paid.

Penalty for failure to give receipt. state and county tax separately, he shall be guilty of a misdemeanor, and on conviction be fined at the discretion of the court : *Provided*, the sheriff shall not collect the taxes for any year until he shall have settled in full with the state and county for the taxes of the previous year (if he was the sheriff or tax collector) and given the bonds required by law. Before receiving the tax list he shall produce the receipts of the state and county (if he was the sheriff or tax collector for the previous year) to the clerk of the county commissioners, and in the event the sheriff fails to produce the aforesaid receipt or give the required bonds, the county commissioners shall appoint a tax-collector, who shall give bond, as required of the sheriff, to faithfully collect and pay over the taxes according to law. When the sheriff shall collect by his deputies who are not sworn, or such other person, they shall, before the clerk of the board of commissioners, or before a justice of the peace of the county, take and subscribe an oath faithfully and honestly to account for the same with the sheriff or other person authorized to receive the same. Said oath shall be filed with the clerk and kept in the office of the county commissioners, and for failure of any deputy sheriff to pay over such taxes as he may collect he shall be guilty of a misdemeanor.

Proviso.

Sheriff to produce receipts, &c., before receiving tax-lists.

When tax-collector to be appointed.

Oath of deputy sheriff.

Misdemeanor.

When and where sheriff to attend and receive taxes :

When and where sheriff to attend for the collection of taxes. SEC. 34. The sheriff or his deputy, or tax collector, shall attend at the court house or his office in the county town, during the months of October and December for the purpose of receiving taxes ; he shall also in like manner attend at least one day during the months of September and November at some one or more places in each township, of which twelve days' notice shall be given by advertisement at three or more public places : *Provided*, that nothing in this section shall be construed to prevent the collecting officer from levying and selling after the first day of November, but he shall not sell before that day.

Proviso.

How sheriff to collect:

SEC. 35. Whenever the taxes shall be due and unpaid, the sheriff shall immediately proceed to collect them as follows: How sheriff to collect.

1. If the party charged have personal property of a value equal to the tax charged against him, the sheriff shall seize and sell the same as he is required to sell other property under execution, and his fees for such levy or sale shall be fifty cents. When personal property levied on.

2. And before the sale of land, no insolvent's taxables shall be credited to the sheriff in the settlement with the auditor, except such as shall be allowed by the county commissioners, a list whereof, containing the names and amounts and subscribed by the sheriff, shall be returned by the sheriff to the county commissioners, and the same shall be allowed only on his making oath that he has been at the dwelling house, or usual place of abode of each of the tax-payers, and could not there, or elsewhere in the county, find property wherewith to discharge his taxes, or such part thereof as is returned unpaid, and that the persons contained in the list were insolvent at and during the time when, by law, he ought to have endeavored to collect the taxes; such list shall be recorded in the commissioners' docket, and a copy thereof shall be returned to the auditor of the state on or before the day of the settlement of the sheriff with the treasurer. When insolvent taxes allowed.

3. If the party charged has not personal property to be found in the county, of sufficient value, the sheriff shall levy upon the lands of the delinquent, or any part thereof; said sheriff shall return a list of said levy to the clerk of the superior court, who shall enter the same in a book to be kept for that purpose, charging therefor ten cents for each levy. The sheriff shall notify the delinquent of such levy, and of the day and place of sale, by service of a notice stating these particulars on him personally. If the delinquent cannot, by reasonable diligence, be found in the county, but has a known When real estate levied on.

Notification to delinquent.

agent therein, and his own address is known, or can by reasonable diligence be ascertained, the notice shall be delivered to such agent, and shall be mailed post-paid to the delinquent. If the delinquent has no known agent in the county, or his address cannot with reasonable diligence be ascertained, the sheriff shall publish a notice, substantially as above described, at the court-house door, and four other public places, and also in some newspaper published in the county where the land is situated, and if there be no newspaper published in the county, then in the nearest newspaper. The notice shall be served or published as aforesaid at least thirty days before the

Sale of land, when and how made.

sale of the land; the sale shall be made at the court-house of the county in which the land lies, and shall be on one of the days prescribed for sale of real estate under execution, and shall be conducted in all respects as sales under executions are; if the delinquent resides out of the county, and his address be known, the sheriff, within one month after sale, shall mail to him notice of the sale and date thereof, of the name and address of the purchaser, of the sum bid, and of the amount of taxes and cost to be paid by him as a condition of its redemption.

When and how taxes to be collected from property in another county.

If any person liable for taxes not having property in the county where such taxes are due, shall have property in any other county, or shall remove from his county after the day of listing or carrying his property therefrom, the soliciting officer shall return the fact to the board of commissioners of the county, who shall, through their clerk, make an abstract of the same under their corporate seal, which abstract shall have the force of a tax-list regularly endorsed for collection in any county in the state. The collecting officer shall forward the same to the proper collecting officer of the county where the person or property may be, who shall collect the amount due thereon, with three per centum added, which per centage he may retain to his own use, the residue to be forwarded immediately to the officer from

whom he received it, to be accounted for as other public taxes. It shall be the duty of the officer to whom such abstract shall be forwarded, to make return of his action on the same within thirty days; and said abstract, or duly certified copy, may be sent for collection to the same or some other county until the amount due shall be collected. And it is expressly declared that the lands of a minor, lunatic, or a person *non compos mentis*, shall in no case be liable to be sold for taxes, but should any guardian of the estate of such person not pay the taxes on the property of such person when due, the tax list in the hands of the sheriff, charging him as guardian, shall be an execution to be satisfied out of his individual property, or out of the personal property of such ward. The following or any substantially similar form shall be sufficient for the levy :

Lands of minors, lunatics and persons *non compos* exempt from sale.

Property of guardian liable.

Form of levy.

STATE OF NORTH CAROLINA,)
 On relation of)
 sheriff ofcounty,)
 vs.)

Levy on lands of, adjoining the lands of
, for default in payment of taxes.

Who is to be purchaser, and what he shall pay :

SEC. 36. The whole tract or contiguous body of land belonging to a delinquent person or company shall be set up for sale at the same time, and the bid shall be struck off to him who will pay the amount of taxes, with all the expenses, for the smallest part of the land.

Sale of land for taxes.

When bid in for the state :

SEC. 37. If no one will or shall offer to pay the amount of taxes for a less number of acres than the whole number of acres in said tract, then the sheriff shall bid off the property for the state, and upon proving the fact and

When to be bid in for State.

Sheriff to execute deed to auditor.

Deed, when deposited.

tendering to the auditor of the state a deed to the state for the property, duly registered in the county in which it lies, shall have credit for the amount of such tax and fee paid for registration. The deed shall be deposited without delay by the auditor with the secretary of state and recorded by him. The property so purchased by the state shall be under the control of the board of education but may be redeemed as hereinafter prescribed.

The delinquent, his agent or attorney may redeem the property within twelve months :

Redemption of property.

SEC. 38. The delinquent, his agent or attorney, may retain possession of the property for twelve months after sale, and within that time redeem it by paying or tendering the purchaser the amount paid by him, and twenty-five per centum in addition thereto. If the purchaser shall accept the sum so tendered, he shall give a receipt therefor. If he shall refuse or cannot be found in the

Remedy when purchaser refuses to give receipt.

county, the delinquent may pay the same to the clerk of the superior court for the use of the purchaser, and the clerk shall give a receipt therefor. Such payment shall be equivalent to payment to the purchaser. The delinquent, his agent or attorney, may cause the receipt of the purchaser or of the clerk to be registered, and the register of deeds shall refer to such registration on the margin of his registration of the receipts from the sheriff to the purchaser. After the payment to the purchaser or to the clerk for his use, as aforesaid, all rights under the

Registration of receipt.

Sale by purchaser within twelve months.

purchase shall cease. No sale of property by the purchaser or by the delinquent, his agent or attorney, within twelve months, shall convey to their respective vendees any other rights or estates than the parties themselves possess.

If the delinquent, his agent or attorney shall fail to redeem :

Failure to redeem.

SEC. 39. If the delinquent, his agent or attorney, shall fail to redeem, as prescribed in the preceding section, the

sheriff shall execute a deed in fee to the purchaser, and if the purchaser is dead, to his heirs at law or assigns, for the quantity of land for which the said purchaser agreed to pay the amount of the taxes with all the expenses, and for said service the sheriff shall be entitled to two dollars, to be paid by the purchaser. The deed from the sheriff to the purchaser shall be registered within six months, and when so registered shall convey to the grantee all the estate in the quantity of land for which the said purchaser bid which the delinquent, his agent or attorney, had at the time of the sale for taxes.

Sheriff to execute deed to purchaser.

Fee of sheriff.

When deed registered.

Redemption, reconveyance :

SEC. 40. In case the state becomes the purchaser, under section thirty-seven, then, within two months after the sale, the delinquent may pay to the county treasurer the tax due, with twenty-five per centum added thereto, and to the public treasurer of the state the tax due, and twenty-five per centum added thereto, together with the cost allowed the sheriff in the settlement, under subdivision three, section forty-three, of this act; and upon presentation of the several receipts of these officers respectively to the secretary of state, that officer shall endorse upon the deed conveying the property to the state these words: "Taxes and cost paid, delinquent restored to his rights," and sign the said endorsement, annexing the seal of his office thereto and charging twenty-five (25) cents therefor, and shall deliver the deed to delinquent or his agent, and upon presentation of said endorsement to the register of the county where the land lies, he shall enter the same on the margin of that page of the county record in which is registered the deed made to the state by the sheriff, charging fifteen cents therefor; and such endorsement, delivery and registration shall have the effect of re-investing the delinquent with all his rights in the premises.

Redemption of land purchased by state.

Endorsement on deed by secretary of state.

Registration of endorsement.

Sheriff to keep a record of unlisted articles :

Sheriff to keep
record of taxes
collected upon un-
listed articles.

Verified state-
ment.

Abstract to be fur-
nished auditor.

SEC. 41. Every sheriff shall keep a record of the taxes collected by him from the clerk of the court, and under schedule "B" of the revenue act, and all forfeitures, arrears from insolvents, double taxes and taxes on unlisted subjects, and on the first Monday in November in each year shall deliver, on oath, to the county commissioners a statement setting forth all sums received to that date, not previously accounted for, the date of such receipts, the person from whom received, the amount received from such persons, the subjects on which received, and the aggregate amount, accompanied by an affidavit taken and subscribed before the clerk, and attested by him, that the statement is correct, and that no receipts have been omitted, and the clerk shall record the same in a book to be kept for that purpose, and the clerk shall, by the first Monday in December, send an abstract of said statement with the affidavit to the auditor of the state, on a blank to be furnished by the auditor, register the same in a book kept in his office for that purpose, and keep a copy of the same in a conspicuous place in the court house until the first of January next ensuing.

Settlement of sheriffs, when :

When and how
sheriffs to settle
state taxes.

Duty of commis-
sioners.

SEC. 42. The sheriff or other accounting officer shall, on or before the second Monday in January in each year, settle their state tax account with the commissioners of their county, and pay the amount for which said sheriff or collector is liable to the treasurer of the state, in such manner or at such place as he shall direct. The commissioners shall forthwith report to the state treasurer the amount due from such accountant, setting forth therein the net amount due to each fund, and the treasurer shall open an account against such officer and debit him accordingly. The sheriff, tax collector and other accounting officer, in making his settlement as aforesaid, shall file with the commissioners a duplicate of the list required

in section forty-one of this act. In such settlement the sheriff or other officer shall be charged with the amount of public tax as the same appears by the abstract of taxables transmitted to the auditor; also with all double tax and taxes on unlisted property by him received, and with other tax which he may have collected or for which he is chargeable. The auditor shall give to each sheriff or tax collector a certified statement embracing the subjects of taxation contained in both lists and the amount of tax on each subject, which the sheriff or tax collector shall deposit with the clerk of the commissioners of his county for public inspection. Duty of auditor.

SEC. 43. The auditor in making the settlement of the amount due from the sheriff or tax collector aforesaid, shall deduct from the lists returned : Deductions.

1. Taxes on personal property certified by the clerk of the commissioners of the county, by order of the commissioners, to be insolvent and uncollectable. Insolvent's taxes on personal property.

2. The amount of the state tax on land bid off by the state on producing the certificate of the secretary of state, as is provided for in section thirty-seven of this act. The costs allowed shall be, for making a deed, fifty cents; for registering, twenty-five cents; and such other sums as were actually paid over by the sheriff. Taxes on lands purchased by the state.

3. All over-payments made in former settlements, by reason of any error in the clerk's abstract of taxables. Over-payments in former settlements.

4. Five per centum commissions on the amount collected. Commissions.

Compensation of sheriff's on settlement :

SEC. 44. For his settlement of state taxes the sheriff or tax-collector shall be paid three dollars for each day he may be necessarily engaged in going to the point indicated by the treasurer, and travelling expenses to and from said point, at the rate of ten cents per mile by the usual route of travel, and said compensation and expenses Compensation of sheriffs for settlement of state taxes. Mileage.

to be paid on the warrant of the auditor, allowed by him on the certificate of the county commissioners.

Penalty for failing to settle :

Failure of sheriff to settle.

Duty of auditor.

Summary judgment by treasurer.

Superior court clerk to furnish copy of sheriff's bond to auditor.

Penalty.

Fraudulent failure of sheriff to account, &c.

SEC. 45. In every case of failure by the sheriff or other accounting officer to settle his account within the time prescribed by this act for such settlement, and to take the oath required in his settlements, and pay the amount due the treasurer, and exhibit his receipt in full to the auditor, the auditor shall forthwith report to the treasurer the account of such sheriff or officer, and furnish him with a copy of the official bond of said officer and his sureties, deducting therefrom nothing for commissions or insolvents, but adding thereto one thousand dollars, and ten per centum of the amount of taxes with which said sheriff is charged, for the amount of taxes supposed not to appear in the list transmitted by the clerk, and if the whole amount be not paid, the treasurer, on motion of the solicitor of the second judicial district, in the superior court of Wake county, before the clerk thereof, within twenty days after the default shall have occurred, shall recover judgment against him and his sureties, without other notice than is given by the delinquency of the officer. And to the end that their obligations and names may be known, the clerk of the superior court shall, on or before the second Monday in October in each year, transmit to the auditor a copy, certified under seal of the court, of the bond of the sheriff and his sureties, upon pain, for his default, of forfeiting to the state one thousand dollars, which the treasurer shall, and is hereby specially charged to collect in like manner and at such times as is provided in this section. If the sheriff or other accounting officer shall fraudulently and corruptly fail to account as aforesaid, or shall fraudulently make any deed to the state under section thirty-seven of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of contempt [competent] jurisdiction, shall

be sentenced to pay a fine in the discretion of the court, **Penalty.** and be imprisoned not less than three nor more than twelve months.

Sheriffs to pay county taxes, when :

SEC. 46. The sheriff or the tax collector shall pay the county taxes to the county treasurer or other lawful officer. He shall at no time retain in hand over three hundred dollars for a longer time than ten days, under a penalty of ten per centum per month to the county upon all sums so unlawfully retained, and shall on oath render a statement to the commissioners at their monthly meetings of the amount in his hands. On or before the first Monday of February in each year the sheriff shall account with the county treasurer or other lawful officer for all taxes due the county for the fiscal year, and on failing to do so he shall pay the county treasurer two per centum per month on all sums unpaid, and this shall be continued until final settlement. He shall be charged with the sums appearing by the tax lists as due for the county taxes, and shall be allowed to deduct therefrom in like manner as is prescribed in sub-divisions one, two, three and four of section forty-three of this act, including all insolvent and uncollectable poll-taxes, respecting his settlement of state taxes, and also the amount of county tax on hand laid off for the state, on producing a certificate from the secretary of state that a deed for the same has been deposited with him: *Provided*, a majority of any board of county commissioners may extend the time for the collection and settlement of the county taxes in their respective counties to such time as they may deem expedient, not to extend beyond the first of May in the year following that in which the taxes were levied.

When and how sheriff to settle county taxes.
Penalty.
Verified statement.
Failure to account.
How charged.
Deductions.
Proviso.

County commissioners to appoint a committee to assist in settlement :

SEC. 47. The county commissioners, at the last regular

Commissioners to
appoint committee
to assist at settle-
ment of sheriff.

or other subsequent meeting in each year, shall appoint one or more of their number, not to exceed three, to be present and assist at the accounting and settlements between the sheriff and county treasurer provided for in the next preceding section, and also to audit and settle the accounts of the county treasurer and of all other county officers authorized to receive or disburse county funds. The accounts so audited shall be reported to the county commissioners, and when approved by them shall be filed with the clerk and recorded on his book, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error: *Provided*, the compensation allowed said committee for their services shall not exceed two dollars per day each for the time actually spent in said settlement, and there shall be no allowance for extra clerical aid.

Proviso,

Penalty of sheriff for failure to account :

Failure of sheriff
to settle.

SEC. 48. In case the sheriff of a county shall fail, neglect or refuse to account with the county treasurer and assistant committee, as above required, or to pay what may be rightfully found due in such account, he shall forfeit and pay to the state for the use of the county a penalty of twenty-five hundred dollars. It shall be the duty of the county treasurer, and if he neglect or refuse to perform it the chairman of the county commissioners, to cause an action to be brought in the superior court of the county on the bond of the sheriff against him and his sureties to recover the amount owing by him and the penalty aforesaid; if the sheriff shall fraudulently and corruptly fail to account as aforesaid, he shall be criminally liable thereupon in like manner and with the same penalties imposed for such criminal defalcation in section thirty-eight.

Penalty.

Duty of county
Treasurer.

Duty of chairman
county commis-
sioners.

Action on bond.

Penalty for frau-
dulent failure to
account.

Other county officers, when to account, and penalties for failure :

When and how
other county of-
ficers to account.

SEC. 49. In each year the county treasurer or other proper officer shall give five days' notice to all the county

officers (except the sheriff) authorized to receive and disburse the county funds, to appear at the court house on a certain day during the first ten days in January before him and the committee appointed by the county commissioners and present an account of all sums received or disbursed for the county, with their vouchers, and any officer failing to attend and account shall be deemed guilty of a misdemeanor. The accounts when audited shall be reported to the county commissioners at their next meeting, and if approved shall be filed with the clerk and recorded in their proceedings, together with their approval, and shall be deemed *prima facie* correct. Penalty for failure.

Tax collector :

SEC. 50. Whenever in this act a duty is imposed upon a sheriff of a county for which a tax collector has been or may be appointed, it shall be incumbent upon the tax-collector to perform the said office instead of the sheriff, and such tax collector shall collect all taxes, have all the emoluments and be subject to all the penalties as provided in the case of sheriffs in this act, and it shall be the duty of all persons having tax moneys in hand to account for and settle with said tax collector. Duties of tax-collector. Penalties.

Collection of taxes :

SEC. 51. The sheriff (and in case of his death, his sureties) shall have one year, and no longer, from the day prescribed for his settlement and payment of the state taxes, to finish the collection of all taxes; but the extension of time for collection shall not extend the time of his settlement of the taxes. Time within which taxes to be collected.

Township assessors may employ assistants :

SEC. 52. Any township assessor who shall deem it necessary to enable him to complete within the time prescribed the listing and valuation of the property, moneys and credits of his township, may, with the approba- Township assessors authorized to employ assistant.

Duties of assistant. tion of the county commissioners, appoint some well qualified citizen of his township to act as an assistant, and assign to him such portion of his township as he shall think proper ; and each assistant so appointed shall within the division of such township assigned him, under the directions of the assessor, perform all the duties enjoined upon, vested in or imposed upon assessors by the provisions of law ; and the board of county commissioners of Alleghany and Macon counties may, if they deem it to the interest of the county, appoint the same person to take the tax-list in more than one township.

MISCELLANEOUS.

Tenants for life, &c., liable for taxes.

SEC. 53. Every person shall be liable to pay tax for the lands or town lots of which he or she may stand seized for life, by courtesy, dower, or by a husband in right of his wife, or may have the care of as guardian, executor, or as agent, or attorney, having funds of the principal in his or her hands.

Failure of life tenants, &c., to pay.

SEC. 54. If any persons who shall be seized of lands as tenant by courtesy or dower, or who shall be seized of lands for life or in right of his wife, shall neglect to pay the taxes thereon so long that such lands shall be sold for the payment of the taxes, and shall not within one year after such sale redeem the same according to law,

Sale of land.

Estate forfeited to remainderman, &c.

such person shall forfeit to the person or persons next in title to such lands in remainder or reversion all the estate which he or she so neglecting as aforesaid may have in said lands, and the remainderman or reversioner may redeem said lands in the same manner that other lands may be redeemed after having been sold for taxes ; and moreover, the person so neglecting as aforesaid shall be liable in action to the person next in title to the estate for all damages such persons may have sustained by such neglect.

Right of remainderman, &c., to redeem.

Action for damages.

SEC. 55. Any person having a lien upon real estate may pay the taxes thereon in so far as the same are a lien upon such real estate, and the amount of taxes so paid shall from the time of payment operate as a lien upon such real estate in preference to all other liens, and the money so paid may also be recovered by action for moneys paid to his use against the person or persons legally liable for the payment of such taxes.

Persons having lien on land authorized to pay taxes.

Amount paid a preferred lien.

Meaning of the words "lands and real property" in this act :

SEC. 56. The words "land and real property" shall be construed in this act to include not only the soil, but all buildings and erections thereon, all rights and franchises appurtenant thereto, and all mines and minerals on or under the surface.

Definition of "land and real property."

SEC. 57. The secretary of state shall have printed thirty-five hundred copies of this act, and of the act passed at this session of the general assembly entitled "an act to raise revenue," and distribute the said acts among all the officers whose duty it is to carry in effect any portion thereof.

Duty of secretary of state.

SEC. 58. The secretary of state shall in like manner have printed five copies of said acts for each member of the general assembly, and forward the same to them by mail.

SEC. 59. The state treasurer shall prepare and furnish to the county commissioners of each county a sufficient number of blank forms or lists, with the proper oath add[ed] thereto, on which each tax-payer in the state shall make out under oath a true statement and return of all his property, with the value thereof, according to the provisions of this act.

Duty of treasurer.

SEC. 60. This act shall be in force from its ratification. Ratified the 13th day of March, A. D. 1879.

CHAPTER 72.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CRAVEN COUNTY TO ISSUE BONDS TO FUND THE COUNTY DEBT, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact :

Authorized to
issue bonds.

SECTION 1. That in order to liquidate the bonded and judgment and floating debt of the county of Craven, the commissioners of said county are hereby authorized to issue coupon bonds of the county for an amount not exceeding the said debt, to-wit: one hundred and forty-five thousand dollars, in denominations of twenty (\$25.00) five and up to one thousand dollars, to be used for the purpose of discharging the judgments and bonds and floating debt now outstanding by exchanging them at par, and for no other purpose.

Bonds, when to
mature.

SEC. 2. That said bonds shall mature and be payable in not less than ten years, nor more than thirty years, and shall bear interest at a rate not exceeding six per centum per annum, and the coupons on said bonds shall be receivable in the payment of the county tax for any fiscal year in which they may fall due, and said coupons shall be payable on the first day of July in each and every year at the office of the county treasurer in the city of Newbern; said bonds shall bear date first January in the year of their issue.

Coupons receiva-
ble for taxes.

Bonds, how to be
issued.

SEC. 3. That said bonds and the coupons thereof shall be issued and signed by the chairman of the board of commissioners, countersigned by the clerk of the board and stamped with the official seal of said board; and said clerk shall keep a book suitable for the purpose in which he shall keep an account of the number of bonds issued, their amounts, to whom issued, the amount of the bonds received and cancelled, old bonds and judgments redeemed under this act, and all transactions connected

therewith, so that upon an inspection of said book the true state of the county debt may be seen.

SEC. 4. That the board of commissioners at their first meeting after the ratification of this act, at the election hereinafter provided for, or as soon thereafter as shall be practicable, shall appoint some suitable person to act as the agent of the said board for the negotiation and exchange of said bonds under the control of said board. The said agent, who shall receive such compensation as the board shall determine, shall confer with the bonded and judgment creditors of said county, and shall ascertain and report to said board the best terms upon which the bonds authorized by this act can be exchanged for the old bonds and judgments, and said bonds hereby authorized shall be issued from time to time as they may be required. Financial agent.
Compensation.

SEC. 5. The commissioners shall have the privilege to redeem said bonds at any time after the expiration of one year, and may, in their discretion, establish a sinking fund and appoint a suitable person as trustee and commissioner of said fund, who shall, before entering upon the discharge of said duty, enter into bond, with approved security, in such sum as the commissioners shall designate: *Provided*, that said fund shall at all times be under the control of the commissioners of the county. Redemption of
bonds.
Proviso.

SEC. 6. That for the payment of the principal and interest of said bonds the commissioners of Craven county are authorized to levy the necessary taxes as occasion may require from time to time, but they are forbidden to levy or collect any other tax except for the accruing current expenses of the county. Authority to levy
tax.

SEC. 7. That no bonds authorized by this act shall be issued until after an election be held in said county, under the direction of the county commissioners, and at such time as they may appoint, and in which election a majority of the votes cast by the qualified voters of said county shall be in favor of the issuing of such bonds for Election.

the purpose herein specified. And at such election those favoring the issuing of the bonds shall vote a written or printed ticket inscribed with the word "ratification"; those opposed with the word "rejection."

Re-assessment of
taxable property.

SEC. 8. The commissioners of the county of Craven are authorized to re-assess in the manner provided by law the real and personal property in said county, at such time during the year one thousand eight hundred and seventy-nine as in their judgment shall seem meet and proper, and after such re-assessment all taxes for State and county purposes shall be levied according to the same.

SEC. 9. This act shall be in force from and after its ratification.

Ratified the 26th day of February, A. D. 1879.

CHAPTER 73.

AN ACT TO GIVE CERTAIN COLORED PERSONS THE RIGHT OF INHERITANCE.

Issue legitima-
tized

The General Assembly of North Carolina do enact:

SECTION 1. That the children of colored parents born at any time before the first day of January, one thousand eight hundred and sixty-eight, of persons living together as man and wife, are hereby declared legitimate children of such parents or either one of them, with all the rights of heirs-at-law and next kin, with respect to the estate or estates of any such parents, or either one of them.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1879.

CHAPTER 74.

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND EIGHTY-NINE OF LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, AND TO LAY OFF AND CONSTRUCT A PUBLIC ROAD, &C.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and eighty-nine, laws of one thousand eight hundred and seventy-six and seventy-seven, an act to lay out and construct a public road from Phineas Horton's store, in the county of Wilkes, to Deep Gap, on the Blue Ridge, in the county of Watauga, be and the same is hereby repealed, and all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Chap. 189, acts 1876-'77, repealed.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1879.

CHAPTER 75.

AN ACT TO LEGALIZE IRON DUFF TOWNSHIP IN THE COUNTY OF HAYWOOD.

The General Assembly of North Carolina do enact :

SECTION 1. That the township in the county of Haywood known as Iron Duff township, established some time since by the authorities of said county, is hereby declared legal and lawful to all intents and purposes. Establishment of township legalized.

SEC. 2. That the pemanent place of voting in said town- Voting place.
ship shall be at Ferguson's Camp Ground.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1879.

CHAPTER 76.

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF MITCHELL COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Special tax authorized.

SECTION 1. That the commissioners of Mitchell county be and they are hereby authorized and empowered to levy a special tax for the payment of county indebtedness of not more than two thousand dollars, which tax shall be levied on all taxable property and polls of said county. The whole may be levied for the year one thousand eight hundred and seventy-nine, or a part may be levied for the year one thousand eight hundred and eighty, at the option of said commissioners: *Provided*, that in levying said tax the constitutional equation between the poll and property shall be observed.

When to be levied.

Proviso.

Collection.

Application.

SEC. 2. That said tax shall be collected under the same rules and regulations as other taxes are collected, and shall be applied as said commissioners may direct in the payment of the indebtedness of the county by and with the consent of a majority of the justices of the peace of said county.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1879.

CHAPTER 77.

AN ACT TO PROVIDE FOR THE BETTER PROOF OF DEEDS
EXECUTED BEYOND THE STATE.

WHEREAS, very oftentimes much trouble and delay Preamble.
occurs in the proof of deeds and other instruments con-
veying property located in this state by parties thereto
who are non-residents or absent from the state :

The General Assembly of North Carolina do enact :

SECTION 1. That every clerk of a court of record in any Acknowledgment
before clerk of any
court of record.
other state shall have full power as a commissioner of
affidavits and deeds as is now vested in regularly ap-
pointed commissioners of affidavits and deeds for the
state.

SEC. 2. That this act shall be in force from and after its
ratification.

Ratified the 27th day of February, A. D. 1879.

CHAPTER 78.

AN ACT TO REGULATE IN CERTAIN RESPECTS THE COMPU-
TATION OF THE DEGREE OF KINSHIP WITHIN WHICH
PERSONS IN THIS STATE MAY NOT LAWFULLY MARRY.

WHEREAS, many persons in this state, in estimating Preamble.
what degree of kinship is nearer than first cousins, com-
pute kinship by the half-blood as being only half so near
as the same degree of kinship by the whole blood; now,
therefore,

The General Assembly of North Carolina do enact:

Half-blood counted
as whole-blood.

Proviso.

SECTION 1. That hereafter, in this state, whenever the degree of kinship shall be estimated with the view to ascertain the right of kinspeople to marry, the half-blood shall be counted as the whole-blood: *Provided, however,* that nothing herein contained shall be so construed as to invalidate any marriage heretofore contracted in case where by counting the half-blood as the whole-blood the persons contracting such marriage would be nearer of kin than first-cousins; but in every such case the kinship shall be ascertained by counting relations of the half-blood as being only half so near kin as those of the same degree of the whole-blood.

SEC. 2. This act shall take effect from and after its ratification.

Ratified the 27th day of February, A. D. 1879.

CHAPTER 79.

AN ACT TO AMEND SECTION EIGHT, CHAPTER TWO HUNDRED AND FIFTY-FIVE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact:

Chap. 255, sec. 8,
acts 1876-'77,
stricken out.

SECTION 1. That section eight, chapter two hundred and fifty-five of laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven be stricken out, and the following be inserted in lieu thereof:

Courts of 8th district.

The eighth judicial district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to wit:

Catawba.

Catawba—First Monday in March and September.

Burke—Second Monday in March and September. Burke.

McDowell—Fourth Monday in March and September. McDowell.

Yancey—Second Monday after the fourth Monday in Yancey.
March and September.

Mitchell—Fourth Monday after the fourth Monday in Mitchell.
March and September.

Watauga—Sixth Monday after fourth Monday in March Watauga.
and September.

Ashe—Eighth Monday after the fourth Monday in Ashe.
March and September.

Caldwell—Ninth Monday after fourth Monday in Caldwell.
March and September.

Alexander—Tenth Monday after fourth Monday in Alexander.
March and September.

Iredell—Eleventh Monday after the fourth Monday in Iredell.
March and September.

SEC. 2. That all processes, recognizances and other le- Process.
gal proceedings in civil and criminal actions, which have
already been issued and had, or which may hereafter be
issued and had, returnable to the next term of said supe-
rior courts of the several counties, shall be deemed and
held returnable to the term of said superior courts as now
fixed by this act, and all persons who have been recog- Recognizances.
nized or bound and summoned to appear at the next
term of said superior courts, are hereby required to ap-
pear at the term as prescribed in this act. That all laws
and parts of laws inconsistent with this act are hereby
repealed.

SEC. 3. That this act shall be in force from and after
its ratification.

Ratified the 27th day of February, A. D. 1879.

CHAPTER 80.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO ESTABLISH
A CRIMINAL COURT IN THE COUNTY OF WAKE."*The General Assembly of North Carolina do enact :*Chap. 271, acts —
1876-'77, repealed.Criminal jurisdic-
tion restored to
superior court.

Recognizances, &c.

SECTION 1. That chapter two hundred and seventy-one of the laws of the state of North Carolina, passed by the general assembly at its session one thousand eight hundred and seventy-six and seventy-seven, entitled "an act to establish a criminal court in the county of Wake," be and the same is hereby repealed. That criminal jurisdiction be restored to Wake superior court as fully and to the same extent as existed before the establishment of the criminal court of Wake county by chapter two hundred and seventy-one, page four hundred and ninety-two, of the laws of one thousand eight hundred and seventy-six and seventy-seven, and that all cases now pending in said criminal court of Wake county be and they are hereby transferred to the superior court of Wake county; and that all recognizances, subpœnas and capiases issued and now in the hands of the sheriff or any other officer, and all papers, recognizances, subpœnas or obligations hereafter taken by any officer of the law, shall be made returnable to Wake county superior court.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1879.

CHAPTER 81.

AN ACT TO PUNISH THE ABDUCTION OF CHILDREN UNDER
THE AGE OF FOURTEEN YEARS.*The General Assembly of North Carolina do enact :*

SECTION 1. That any one who shall abduct, or by any means induce any child under the age of fourteen years, who shall reside with the father, or mother, or uncle, or aunt, or brother, or elder sister, or shall reside at a school, or be an orphan and reside with a guardian, to leave the said person or school, shall be guilty of a crime, and on conviction shall be fined or imprisoned at the discretion of the court, or may be sentenced to the penitentiary for a period not exceeding fifteen years.

Abduction of children under fourteen a crime.

Punishment.

SEC. 2. That every one who shall conspire with another, or other, to abduct, or by any means to induce any child under the age of fourteen years, who shall reside with any of the persons aforesaid, or at school, to leave the person or persons aforesaid, or the school, shall be guilty of a like offence, and on conviction shall be punished as prescribed in section first : *Provided, however,* that no one who may be a nearer blood-relation to the child than the persons named in section first, shall be indicted for the offences named in sections one and two.

Conspiracy to abduct a crime.

Punishment.

Proviso.

SEC 3. This act shall be in force from its ratification.

Ratified the 28th day of February, A. D. 1879.

CHAPTER 82.

AN ACT TO PROVIDE FOR KEEPING IN REPAIR THE PUBLIC
ROADS OF THE STATE.*The General Assembly of North Carolina do enact:*Supervision and
control of public
roads given to jus-
tices of the peace.

SECTION 1. That the justices of the peace in each and every township shall have the supervision and control of the public roads in their respective townships. They shall, with respect to this work, constitute and be styled the "board of supervisors of public roads" of such township. They are hereby incorporated, and the above shall be their corporate name.

Title.

Incorporated.

Meeting of board
of supervisors.

Duties.

Election of chair-
man.
Proviso.Township to be
divided into sec-
tions and overseers
appointed.Boundaries to be
designated.Notice to over-
seers.

SEC. 2. The said board of supervisors shall meet at some place in their respective townships to be agreed upon by themselves, or in the absence of such agreement to be named by their chairman, on the first Monday of February, May, August and November, for the purpose of consulting on the subject of the condition of the roads in their township. They shall some time during the week preceding each meeting go over and personally examine all the roads in their township. They shall annually at their meeting in February elect some one of their number chairman: *Provided*, that the first election for chairman shall be held on the first Monday in May, one thousand eight hundred and seventy nine, and the chairman then elected shall hold the position until the first Monday of February, one thousand eight hundred and eighty.

SEC. 3. The said board of supervisors shall annually at the meeting in May divide the roads of their townships into sections and appoint overseers for said sections at said meetings. They shall at the same time allot the hands to said overseers, and shall also designate the boundaries or [points] to which each resident shall be liable to work on said section, and shall within five days after such meeting certify to each overseer written notice of his appointment,

with a list of the hands assigned to his section : *Provided*, Proviso. that the board of supervisors may at any time alter the sections or allotment, but shall give notice thereof to the overseer. The overseer may resign after the expiration of twelve months, provided his road shall be in good repair and the board of supervisors shall so find ; and any overseer so resigning, and whose resignation has been accepted by the board, shall not without his consent be again appointed overseer until after the expiration of two years from the date of his resignation. That when a public road shall be a dividing line between townships the board of commissioners of the county shall determine as to how said road shall be divided, with notice as to the working of said road.

SEC. 4. All able-bodied male persons between the ages of eighteen years and forty-five years shall be required under the provisions of this act to work on the public roads, except the members of the board of supervisors of public roads, not less than three days in each and every year. Who liable to work on roads.

SEC. 5. The overseer of the road shall for at least three days in the year summon the hands of his section to work on the road. The notice shall be at least two days before the day named for the work, and shall state the hour and the place for the meeting of the hands, and what implement the hand shall bring with him. Every person liable to work on the road who has been so summoned shall appear at the time and place named, and with the implement directed, and shall work on the road under the direction of the overseer until discharged by him : When hands to be summoned to work on roads. *Provided*, that no hand shall be required to work for Notice. a less time than seven hours nor for a longer time than ten hours in any one day. Any person summoned as aforesaid who shall by twelve o'clock of the day preceding the one appointed for work on the road pay to the overseer the sum of one dollar shall be relieved from working on the road for one day. The money thus Duty of persons summoned. Proviso.

collected by the overseer shall be by him applied on the working and repairing of the road : *Provided*, that any person who shall furnish one able-bodied hand as a substitute, with the implement directed, shall be held to have complied with the provisions of this act.

Proviso.

Failure to attend and work.

Misdemeanor.

Fine.

SEC. 6. Any person liable to work on the road who shall fail to attend and work as hereinbefore provided when summoned so to do, unless he shall have paid the one dollar as aforesaid, shall be guilty of a misdemeanor, and on conviction shall be fined not less than two dollars nor more than five dollars, or imprisoned not exceeding five days, or both, in the discretion of the court.

Overseers to report to board of supervisors.

Report to be verified.

Warrant to issue against road hand failing to perform duty.

SEC. 7. Every overseer shall at each and every meeting of the board of supervisors of his township make report to them of the present condition of his road, of the number of days worked on his section since last meeting, of the number of hands who attended and worked each day, of the number and names of hands who failed to attend and work ; whether or not they were legally summoned, and whether or not they paid the one dollar as provided. That the said overseer shall before some person authorized to administer an oath make written affidavit that the report is true and correct. That upon this report sworn to as aforesaid, if it shall appear that any of the hands, after being legally summoned, have failed to attend and work on said road, and that they did not pay the one dollar, then it shall be the duty of the said justice of the peace, or any one of them, to issue a warrant for the arrest of any such hand or hands, and shall put him or them upon trial for the offence.

Overseers to report all moneys collected to supervisors.

Failure of overseers to discharge duties.

Misdemeanor.

SEC. 8. The said overseers shall at the meeting of the supervisors in February make a report of all moneys collected by them from parties excused from work on the road for the preceding year, with a statement as to how the same was expended. That if any overseer shall fail to discharge any one of the duties imposed by this act he shall be guilty of a misdemeanor, and on conviction shall

be fined seven dollars, and in default of payment of fine Punishment.
 and cost be imprisoned not exceeding five days. In case
 of failure of any overseer to make any report to the board Failure of overseer
to make report.
 of supervisors of public roads of his township, as provi-
 ded in this act, then and in that case it shall be the duty
 of the chairman of such board immediately upon such Duty of chairman
of board of super-
visors.
 failure to make a sworn statement of the fact before some
 justice of the peace of an adjoining township, who shall
 immediately issue his warrant for the arrest of the said
 overseer, and proceed to try him for the offence.

SEC. 9. The board of supervisors shall have the right to Jurisdiction of
supervisors over
cartways.
 lay out and discontinue cartways, subject to all the rules
 and regulations now in force, and the board of commis- Jurisdiction of
board of commis-
sioners over roads.
 sioners of the county only shall have the right to lay
 out and establish and discontinue public roads, subject to the
 same rules and regulations now in force: *Provided, however,* Proviso.
 that in laying out and establishing roads and cartways, and
 for the purpose of assessing damage to property by rea-
 son of the same, no greater number of jurors than five
 shall be summoned or be required, any provision in any
 other law to the contrary notwithstanding.

SEC. 10. The board of supervisors shall annually make Board of supervi-
sors to report to
superior court.
 report to the first term of the superior court of their
 county after the first Monday in August of the condition
 of the roads of their township, and if the meetings provi-
 ded for in this act have been held for said board, and the
 judge holding such term of the superior court shall after
 his charge to the grand jury and before they shall retire
 to their room call upon the clerk of the court for such re- Clerk to deliver
report to foreman
of grand-jury.
 ports, and they shall then and there be delivered to the
 foreman of the grand jury; and if any board of super-
 visors shall fail to make said report or to discharge any
 other duty imposed by this act, they shall be guilty of a
 misdemeanor, and on conviction thereof shall be fined or Misdemeanor.
 imprisoned, or both, in the discretion of the court, and Punishment.
 the indictment may be either against the board of super-

visors, or against the individuals composing it as justices of the peace.

Duty of superior court clerks and registers to post copies of this act.

Secretary of state to furnish copies.

This act not applicable to certain counties.

SEC. 11. The several superior court clerks and the register of deeds in the state shall within twenty days after the passage of this act post a copy thereof in some conspicuous place in their respective offices, and to carry out this provision the secretary of state, immediately upon the ratification of this act, shall cause to be published in convenient form for this purpose a sufficient number of copies of this act, and he shall mail one copy to each and every superior court clerk and register of deeds in the state: *Provided*, that the provisions of this act shall not apply to the counties of Alleghany, Ashe, Alexander Watauga and Mecklenburg.

SEC. 12. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 13. This act shall be in force from and after its ratification.

Ratified this the 14th day of March, A. D. 1879.

CHAPTER 83.

AN ACT RELATING TO ROADS AND HIGHWAYS.

The General Assembly of North Carolina do enact :

County commissioners to divide counties into road districts.

Description to be made on township records.
Plat of road district to be furnished supervisors.

SECTION 1. That the county commissioners of the several counties of this state shall on the first Monday of June next divide their respective counties into suitable road districts, and annually thereafter may make such alterations therein as they may deem proper, and cause a brief description thereof to be made on the township records, and also to furnish each supervisor with a plat of his road district, and shall cause the same notice to be given as is now required by law for the election of county

officers of the election of as many supervisors of roads as there are road districts in each township. Notice of election of supervisors of roads.

SEC. 2. There shall be elected in each township in this state, at the November election one thousand eight hundred and eighty, and every two years thereafter, one supervisor of highways for each of said road districts, who shall reside therein; and no elector shall vote for more than one supervisor at such election, and such elector shall be a resident of the same district in which the person so voted for shall reside. Supervisors so elected shall take an oath faithfully and impartially to discharge the duties of said office; and the county commissioners may require of such supervisor a bond, payable to the state of North Carolina in trust for said county, in such sum as they may determine, with security to be by them approved, conditioned for the faithful discharge of the duties of said office, and on refusal or neglect to qualify and serve shall forfeit and pay the sum of twenty dollars and cost, to be collected by the county commissioners in an action of debt. Money so collected shall go into the road fund of the county and be credited to the proper road district. Supervisors of roads, when elected.
Electors.
Oath of supervisor.
Bond.
Penalty for refusal to serve.

SEC. 3. That it shall be the duty of each and every supervisor to open or cause to be opened all public roads and highways which shall have been or may hereafter be laid out and established in his road district, the same to keep in repairs, and remove or cause to be removed all obstructions that may from time to time be found thereon; for which purpose the supervisors are hereby authorized to enter upon any uncultivated land, or improved lands unincumbered by crops, near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved land, planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand or stone which may be necessary to make, improve or repair said road; and to enter on any lands adjoining or lying near the road to make such drains or ditches through the same as he may deem necessary for Duties of supervisor.
Authority to enter upon lands, cut timber, &c.

Penalty for obstructing supervisor.

the benefit of the roads, doing as little injury to said lands and the improvements thereon and timber as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest water course, and shall be kept open by such supervisors, and shall not be obstructed by the owner or occupier of such lands or any other person or persons having the same in charge, under the penalty of forfeiting a sum not exceeding ten dollars for each and every offense, to be collected by the supervisor and paid over by him to the county treasurer and applied to the road fund of the county.

Who liable to work roads.

SEC. 4. That all able-bodied male persons, and all male persons able to perform, or cause to be performed, the labor herein required, between the ages of eighteen and forty-five years, except persons permanently disabled in the military service of this state, shall be liable annually to do and perform four days' labor on the highways, under the direction of the supervisor of the road district in which he shall reside: *Provided further*, that if any person, being warned as hereinafter provided, shall pay to the supervisor in whose district he may reside the sum of four dollars, the same shall be received in lieu of the four days' labor, and shall be applied by the supervisor receiving the same to the improvement of the roads of his district, and accounted for as hereinafter provided.

Four days' labor to be performed annually.

Exemption from work on payment of four dollars.

Authority of supervisor to order persons to work road.

SEC. 5. That it shall be the duty of every supervisor to order out every such person, resident as aforesaid, between the first day of March and the first day of December, annually, to do and perform the work aforesaid on public roads within the district; and if any such resident being personally warned by such supervisor, or by leaving a written notice at his usual abode, shall refuse or neglect, having had at least two days' notice, to attend by himself or substitute to the acceptance of the supervisor, or having attended shall refuse to obey the directions of the supervisor, or shall spend the time in idleness or inatten-

Failure to attend.

Refusal to work.

Idleness.

tion to the duties assigned him, every such delinquent shall forfeit and pay the sum of one dollar for every such offense, and shall further be liable in all cases of non-attendance to the amount for four days' work, to be recovered by action before any justice of the peace of the proper county, at the suit of the supervisor within whose district he may reside; and shall also be guilty of a misdemeanor and fined not exceeding five dollars, or imprisoned not exceeding five days; and the money so collected shall be applied by said supervisor to the improvement of the roads in his district, and accounted for by him at the annual settlement with the county treasurer: *Provided*, that no person shall be released from the performance of labor on the public highways by reason of the neglect of any supervisor to order out such person on or before the first day of December, as herein provided.

Penalty.

Misdemeanor.

Fines to be applied to improvement of roads.

Proviso.

SEC. 6. That in case any person shall remove from one district to another, who has prior to such removal performed the whole or any part of the labor aforesaid, or in any other way has paid the whole or any part of the amount aforesaid in lieu of such labor, and shall produce a certificate of the same from the supervisor of the proper district, such certificate shall be a complete discharge for the amount therein specified.

Removal from township after performance of labor.

Certificate of supervisor.

SEC. 7. That any person called upon to perform any labor upon the public roads and highways under any provision of this act, shall by himself or substitute appear at the place appointed by the supervisor at the hour of seven o'clock in the forenoon, with such necessary tools and implements as the supervisor may direct; and the supervisor may, if necessary for the improvements of the road, order any person owning the same to furnish a team of horses, mules or oxen, and wagon, cart, plow or scraper, to be employed and used on the roads under the direction of the supervisor.

Duty of persons summoned to work road.

To furnish teams, &c.

SEC. 8. That for the purpose provided for in the preceding sections of this act the residence of any person who

"Residence" defined.

has a family shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards, in any road district in this State.

Supervisors to collect fines, &c.

Exceptions.

Authorized to institute suit.

Supervisors to expend moneys collected.

To account with county treasurer annually.

To return list of persons summoned and of those refusing to work.

Fines, &c., to be paid supervisors.

To account with county treasurer.

SEC. 9. That the several supervisors, within their respective districts, shall collect, by suit or otherwise, all fines, forfeitures and penalties arising and accruing under the provisions of this act, unless the collection thereof is otherwise herein provided for; and they are hereby authorized and required, before their settlement with the county treasurer, to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this act from whom such fines, forfeitures or penalty, in the opinion of the supervisor, can be collected by execution; and the said judgments, if not paid, together with the cost thereon, shall remain and be in force against the judgment debtor as other judgments at law.

SEC. 10. That the several supervisors shall expend all moneys by them collected for the benefit of the roads and highways in their respective districts; and every supervisor is hereby required to account to the treasurer of the county at the annual settlement for all moneys expended under this act; and they shall also return a full and true list and statement of the names of all persons within their respective districts who have been ordered out to perform the four days' labor as required by this act, and of those who have refused or neglected to perform the same; and all fines and forfeitures sued for and recovered under the provisions of this act shall be paid over on demand by the justice of the peace or constable collecting the same to the supervisor of such road district wherein such fines or forfeitures accrued; and the several supervisors shall also render an account to the county treasurer at the annual settlement of all moneys that remain in their hands at the time of the settlement; also all judgments that remain unpaid, and the name of the judgment debtor and the justice of the peace before whom such judgments were obtained, with the

amount thereof; and the county treasurer shall make such order as to the prosecution of the suits by the supervisor of the proper district against such delinquents as in the judgment of the treasurer the interest of the county may require. Duty of treasurer.

SEC. 11. That all moneys that may remain in the hands of any supervisor at the time of the annual settlement with the county treasurer shall be paid over to his successor in office as soon as such successor shall be elected and qualified, taking a receipt therefor, and deposit said receipt with the county treasurer. It shall be lawful for any supervisor to sue out executions on any judgment that remains unpaid within his proper district, at any time when in his opinion the same can be collected; and the money so received and collected shall be expended as provided in the foregoing section. Moneys on hand to be paid to successor in office. To sue out executions, &c.

SEC. 12. That the supervisors of roads and highways within this state be and are hereby authorized to construct foot-bridges over streams of water on said highways. Foot-bridges.

SEC. 13. That each supervisor within his district shall erect and keep up, at the expense of the county, at the forks or cross-roads of every state and county road, a post and guide board or finger board, containing an inscription in legible letters, directing the way and distance to the town or towns, or public place or places, situated on each road respectively. Guide-boards.

SEC. 14. That if any person shall wilfully demolish, throw down, alter or deface any guide-board, every person so offending shall, upon conviction thereof before any justice of the peace of the proper county, be fined in any sum not exceeding ten dollars and cost of suit; and the money when collected shall be by the justice of the peace collecting the same, paid over to the supervisor in whose district the offense was committed, and be by him applied to the repair of the roads and highways within his district. Penalty for molesting guide-boards. To whom paid when collected.

County commis-
sioners to furnish
plows, &c.

SEC. 15. That the county commissioners of the several counties within this state be any they are hereby authorized to furnish plows and scrapers for the use of the several districts within their county, to be paid for out of any moneys in the county treasury not otherwise appropriated. The commissioners shall take a receipt from each supervisor for such implements as they may deliver to him, showing the number, kind and condition thereof, and such supervisor shall be liable for any injury or damage that may result to such implements, or any of them, by improper use thereof, or by unnecessary exposure to the weather during the time the same may be in his possession ; and he shall, on the first Monday of April, annually, return the same to said commissioners. The amount for which such supervisor may be liable for such improper use or neglect may be recovered by action in the name of the county commissioners.

Supervisor liable
for injury to im-
plements.

How recovered.

Commissioners to
maintain places
for obtaining wa-
ter on highways.

SEC. 16. That the commissioners of any county in this state are hereby authorized to provide and maintain suitable places for procuring water for persons and animals on the public highways in such townships: *Provided*, that not more than fifty dollars shall be expended in any one township in any one year for such purpose, to be paid out of any moneys in the county treasury not otherwise appropriated.

Proviso.

Authority to levy
taxes.

SEC. 17. That the commissioners of the respective counties in this state are hereby authorized to levy at the June session of their board annually for road and bridge purposes, as follows : In counties where the taxable property exceeds the sum of sixteen millions dollars, not less than two-tenths of a mill on the dollar, nor more than two mills ; in counties where the taxable property is less than ten millions and over five millions of dollars, not less than seven-tenths of a mill, nor more than three mills ; in counties where the taxable [property] is less than five millions of dollars the levy shall not be less than seven-tenths of a mill, nor more than five mills on the dollar ; and the

chairman of the county commissioners shall place the same on the tax duplicate of the current year, to be included in and collected in the annual taxes; and the county commissioners shall set apart such portion of the road tax by them levied as they may deem proper, to be applied to the building or repairing of the bridges in their respective counties, which proportion as set apart shall be called a bridge fund, and shall be entered on the duplicate of taxes for the county, by the chairman of county commissioners, in a separate column from other levies for road purposes, and shall be collected in money and expended under the direction of the commissioners of the county, in the building or repairing of bridges, or both.

Taxes to be placed on tax-lists of current year.

Commissioners authorized to set apart portion of road-tax to build bridges, &c.

SEC. 18. That the chairman of county commissioners, immediately after the county commissioners at their annual session for that purpose have determined the amounts to be assessed for road purposes in their respective counties, shall give notice in some newspaper in general circulation in the county of the per centum on each hundred dollars of the valuation so determined to be assessed in such county, and that the said tax may be discharged by labor on the roads under the direction of the supervisors of the several districts, and shall make out a list of the name of each tax-payer, of the amount of the road tax with which each stands charged, and transmit the same to the supervisor of the proper district.

Notice of tax.

SEC. 19. Any person charged with a road tax may discharge the same by labor on the public highways within the district where the same is charged within the time designated in this act, at the rate of one dollar per day, and a ratable allowance per day for any team and implements furnished by any person under the direction of the supervisor of such district, who shall give to such person a certificate specifying the amount of tax so paid, and the district and township wherein such labor was performed, which certificate shall in no case be given for

Tax discharged by work on roads.

Certificate of supervisor.

any greater sum than the tax charged against such person, and the county treasurer shall receive all such certificates as money in the discharge of said road tax. All road taxes collected by the county treasurer shall be paid over to the supervisors in such sums and proportions as the commissioners may direct. The commissioners in determining the division of this fund shall be governed not by the miles of road in each district, but by necessities of the roads, the convenience of getting material, the quantity of material necessary to make substantial repairs, etc., and thus make a just and equitable division of said fund between the several districts, to be paid to the supervisors on the warrants of the chairman of the board of county commissioners.

Not to exceed tax due.

Receivable as money in payment of tax.

Road tax to be paid to supervisors when collected.

Commissioners to determine proportion.

Passways across road.

Proviso.

Proviso.

Vacancies.

Commissioners to appoint.

Oath of appointees.

SEC. 20. That any land-holder through whose land any state, county or township road is now or may be hereafter laid out and established, is hereby authorized, under the direction of the supervisor of the proper district, to construct a passway or passways, either under or over such roads, so as to permit the stock of such land-holder to pass and repass: *Provided*, that such passway or passways shall not be constructed over or under any road within the limit of the outlets of any city, town or village, and shall not hinder or obstruct the travel on such roads: *Provided further*, that the said passway or passways shall be kept in good repair at the expense of such land-holder

SEC. 21. That when any vacancy shall occur in the office of supervisor by death, resignation or otherwise, the county commissioners of the county wherein such vacancy occurs shall appoint some suitable person to fill such vacancy. The person so appointed shall, before entering upon the duties of his office, take an oath or affirmation to faithfully and impartially discharge the duties of his office, and shall be under the same restrictions and penalties as though he had been duly elected and qualified.

SEC. 22. That each and every supervisor who shall neg-

lect or refuse to perform the several duties enjoined on him by this act, or who shall, under any pretense whatever, give or sign any receipt or certificate purporting to be a receipt or certificate for labor in work performed or money paid, unless the labor shall have been performed or money paid prior to the giving or signing of such receipt or certificate, shall forfeit for every such offense not less than ten nor more than fifty dollars, to be recovered by an action before any justice of the peace of the proper county ; and it is hereby made the duty of the county commissioners to prosecute all offenses against the provisions of this section: *Provided*, that if any supervisor conceives himself aggrieved by the judgment of such justice of the peace, he may, on giving sufficient security to said justice of the peace for the payment of the cost, appeal to the superior court, who shall make such order therein as to them may appear just and reasonable.

Refusal of supervisors to perform duties.
Malfeasance in office.

Penalty.

Duty of commissioners to prosecute.

Proviso.

SEC. 23. That it shall be unlawful for any supervisor to perform or cause labor to be performed on any road not regularly laid out and established by law.

Unlawful for supervisor to work any road not regularly established by law.

SEC. 24. That each and every supervisor who shall cut and take any timber, stone or gravel for the purpose of making, improving or repairing any road or building or repairing any bridge or crossway within his district, shall, on demand of the owner of the lands, their agent or agents, or the guardian of any ward, or the executor or administrator having lands in charge, from which timber, stone or gravel were taken aforesaid, shall give a certificate showing the quantity of such timber, stone or gravel, with the value thereof respectively, and the time and purpose for which the same were taken.

Supervisor to give certificate of value of any timber, stone or gravel taken for use of road.

SEC. 25. That any person or persons who shall receive a certificate, as provided for in the foregoing section, shall present the same to the county commissioners of the proper county, at any regular session of said commissioners, within twelve months after the taking and carrying away of such timber, stone or gravel, and the com-

Certificate to be presented to county commissioners.

How paid.	missioners being satisfied that the amount as aforesaid is just and equitable, shall cause the same to be paid out of the county treasury ; but if not so satisfied they shall determine what sum in their opinion would be just.
Compensation of supervisors.	SEC. 26. That each supervisor shall receive for his services not exceeding two dollars per day for the time actually employed on the roads, deducting the commutation for his four days' labor.
Supervisors to remove obstructions from highway.	SEC. 27. That at any time during the year when any public highway shall be obstructed, it shall be the duty of the supervisor of the district in which the same may be forthwith to cause such obstruction to be removed, for which purpose he shall immediately order out such number of persons liable to do work or pay tax upon the public highways of his district as he may deem necessary to remove said obstruction. If the person or persons thus called out shall have performed their four days' labor upon the public highways, or paid their road tax, the supervisor shall give to such person or persons a certificate for the amount of labor performed, and said certificate shall apply on the labor or tax that may be due from such person or persons the ensuing year.
Sufficient number of persons to be summoned.	
Certificate of supervisor.	
Penalty for obstructing highway.	SEC. 28. That if any person or persons, corporations, or any conductor of any train of railroad cars, or any other agent or servant of any railroad company, shall obstruct unnecessarily any public road or highway authorized by any law of this state, by permitting any railroad car or cars, or locomotive, to remain upon or across any public road or highway for a longer period than five minutes, or shall permit any timber, wood or other obstructions to remain upon or across any such road or highway, to the hindrance or inconvenience of travellers, or any person or persons passing along or upon such road or highway, every person or corporation so offending shall forfeit and pay for every such offense any sum not exceeding twenty
Liability for damages.	nor less than five dollars, and shall be liable for all damages arising to any person from such obstruction or injury

to such road or highway, to be recovered by an action at the suit of the county commissioners of the county in which such offence shall have been committed, or any person suing for the same before any justice of the peace within the county where such offence shall have been committed, or by indictment in the superior court in the proper county. And all fines so accruing under the provisions of this section, when collected, shall be paid over to the treasurer of the county in which such offence was committed, and by the commissioners applied to the improvement of the roads and highways therein; and every twenty-four hours such corporation, person or persons as aforesaid, after being notified, shall suffer such obstructions, to the hindrance or inconvenience of travellers or any person or persons going along or upon such road or highway, shall be deemed an additional offence against the provisions of this act.

How action to be brought.

Fines collected to be applied to the improvement of roads.

Additional offence.

SEC. 29. That every railroad company or other corporation, the servant or servants, agent or agents, employee or employees of which shall in any manner obstruct any public road or highway, shall be liable to pay all fines which may be assessed against such servant or servants, agent or agents, employee or employees, for so obstructing any such public road or highway, and such liability as may be enforced by execution issued against such railroad company or other corporation on the judgment rendered against such servant or servants, agent or agents, employee or employees, for so obstructing such public road or highway.

Liability of corporation for act of agent or servant.

SEC. 30. It shall be unlawful for any railroad company to obstruct the drainage of any public road or highway by its road bed or otherwise, or empty the water from its ditches into any public road or highway; and if any railroad company, being warned by the supervisor of the proper district by leaving a written notice with any station agent, or informing said station agent of the said railroad company personally, shall refuse or neglect to

Unlawful for railroad company to obstruct drainage of public road.

Notice.

Refusal to remedy the obstruction.	remedy the same to the acceptance of the supervisor, shall forfeit and pay any sum not exceeding fifty nor less than twenty dollars, to be recovered by an action at the suit of the county commissioners before any justice of the peace in the proper county, and every ten days such railroad company, after being notified, shall neglect or refuse to remedy such offence shall be deemed an additional offence against the provisions of this act; and the money so collected shall be paid to the supervisor of the district in which the provisions of this section were violated, and the money so paid over shall be used by said supervisor for the improvement of the roads in his district and accounted for in his annual settlement.
Penalty.	
How recovered.	
Additional offence.	
Penalties collected applied to improvement of roads.	

Certain prisoners to work road.

SEC. 31. All persons confined in the county jail, either under sentence of court for crimes or imprisoned for the non-payment of fines or cost, shall be available to the county commissioners for the purpose of working them upon the public roads of the county; and upon the application of any supervisor having an order from the county commissioners, it shall be the duty of the jailer or sheriff having such prisoners in his custody to deliver them to the supervisor, who shall be responsible for their safe keeping and return; and in case of the escape of any of the said prisoners the sheriff of the county or jailer shall be exonerated from liability therefor; and it shall be lawful for the sheriff, at the request of the county commissioners, to retain all prisoners in the jail who have been sentenced to the penitentiary, except those required by law to be kept in the penitentiary, and said prisoners shall be available to the county commissioners for the purpose of working upon the public roads of the county.

When sheriff to deliver them to supervisors.

Sheriff exonerated in case of escape.

Lawful for sheriff to retain certain convicts in jail.

Prisoners to be credited for work on roads.

SEC. 32. The prisoners employed in working the public roads shall be allowed so much per day as in the opinion of the supervisors their services are worth, which amount shall be credited to them on the county charges against them.

Escape of prisoner.

SEC. 33. If any prisoner shall escape from the custody

of the supervisor or those who have such prisoners in charge, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than fifty dollars, or be imprisoned not less than ten days nor more than thirty days.

Misdemeanor.
Punishment.

SEC. 34. The commissioners of the several counties shall appoint the supervisors until the regular election in November, one thousand eight hundred and eighty, and may remove any supervisor at any time for any cause that may seem to them just and proper, and fill such vacancy as herein before provided.

Commissioners to appoint supervisors of roads prior to November, 1880.

To have power of removal.

SEC. 35. The county commissioners may employ the county surveyor or other competent person to examine or superintend any road district in their county, and may allow such county surveyor or other competent person such pay as they may deem just and proper, not to exceed three dollars per day, to be paid out of the county treasury.

Commissioners empowered to employ county surveyor, &c., to superintend road, &c.

Compensation.

SEC. 36. Whenever any persons shall meet each other on any bridge or road traveling with carriages, wagons or other vehicles, each person shall seasonably drive his carriage or vehicle to the right of the middle of the traveled part of such bridge or road, so that the respective carriages or other vehicles aforesaid may pass each other without interference; every person wilfully offending against the provisions of this section shall for each offense forfeit a sum not exceeding five dollars, to be recovered on complaint before any justice of the peace in the county where the offense shall have been committed; and he shall further be liable to any party for all damages sustained by reason of such offense: *Provided*, that every such complaint shall be made within three months after the offense shall have been committed, and that every such action for damages shall be commenced within twelve months after the cause of action shall have accrued.

Travellers to go to the right when meeting.

Penalty for wilful failure.

Liability for damages.
Proviso.

SEC. 37. The right of way of all public roads shall not be less than twenty-two feet wide, and the right of way of

Width of roads.

	all public roads that may hereafter be laid off shall not be less than two rods wide, and it shall be the duty of
Ditches.	each supervisor to have ditches cut upon each side of all the public roads in his district; and to construct or repair
Road-bed.	the road-beds so that the water will run from the centre of said road-bed to the ditch on either side; and it shall be the further duty of each supervisor to cause each railroad
Public road across railroad.	company to construct and keep in good repair the road-bed of all public roads across the road-bed of said railroad
Notice to railroad company.	company; and if any railroad company, being duly warned by the supervisor of the proper district, by leaving a written notice with any station agent, or by informing any station agent of said railroad company personally, shall neglect or refuse to construct or repair said road-bed to the acceptance of the supervisor, shall forfeit any
Failure to repair road-bed.	sum not exceeding fifty nor less than thirty dollars, to be recovered by an action at the suit of the county commissioners, before any justice of the peace in the proper county, and the money so collected shall be paid to the supervisor of the district in which the provisions of this section were violated, and the money so paid over shall be used
Penalty.	by said supervisor for the improvement of the roads in his district, and accounted for in his annual settlement and every five days such railroad company, after being duly notified, shall neglect or refuse to construct or repair
How applied when collected.	said road-bed shall be deemed an additional offense against the provisions of this act.
Additional offense.	
County commissioners empowered to reduce number of working days.	SEC. 38. The county commissioners of the several counties, at their regular April session in each year, may reduce the number of working days in each year as prescribed in section four of this act, to two or three days' labor, and the aforesaid county commissioners may allow their chairman such compensation as to them may seem just and proper for the extra duties imposed on said chairman by this act, to be paid out of the county treasury: <i>Provided</i> , that such compensation shall not exceed
Compensation of chairman for extra duties.	
proviso.	

three dollars per diem and five cents mileage for each day actually employed.

SEC. 39. Upon the application of the county commissioners, the secretary of state shall furnish the county treasurer with a sufficient number of printed copies of this act, for the use of the road supervisors of the proper county.

SEC. 40. This act shall only apply to the counties of Mecklenburg, Forsythe and Stokes.

SEC. 41. All acts or parts of acts in conflict with this act are hereby repealed, and this act shall be in force from and after its passage.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 84.

AN ACT TO SECURE THE BETTER DRAINAGE OF THE LOWLANDS OF MUDDY CREEK AND ITS TRIBUTARIES, IN THE COUNTY OF MCDOWELL.

The General Assembly of North Carolina do enact:

SECTION 1. That Jacob I. Kehler, William Morrison, Jacob Moore, P. P. Price, William M. Blanton, be appointed commissioners, whose duty it shall be as soon as practicable to lay off Muddy creek from its mouth at the Catawba river to the Fork of North and South Muddy creeks, and to the road near the late Dr. Young's residence, and from the mouth of Dysant's creek to road near J. D. Taylor's into sections of convenient length, and to appoint one overseer for each section, who shall hold his office for the term of two years, and who shall be a land-owner in the section for which he was appointed overseer.

SEC. 2. That a majority of said commissioners shall

have power to elect one of their own number chairman, and may fill vacancies in their own number or that of overseer, and in case they shall fail or neglect to fill vacancies occasioned by death or otherwise, the board of county commissioners of said county shall, on application being made, appoint commissioners and overseers for the purpose herein mentioned.

Duty of commissioners.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land sobbed or overflowed, and also the entire number of acres of each individual in the county of McDowell on the streams between the points mentioned in section first of this act, and lying within one-fourth mile of the channel of said streams, and shall furnish each overseer with a copy of the estimate of his section in which these lands lie, and upon notice of seven days by said overseer shall each furnish one sufficient hand with appropriate tool, such as shall be notified by the overseer to furnish for every ten (10) acres of land sobbed or overflowed, and one hand for every twenty (20) acres not sobbed, and in that proportion for any number of acres less than ten (10) and twenty (20) acres in the meaning of this act, and on failing so to do shall forfeit and pay one dollar per day for failure on each hand, which may be recovered by said overseer by warrant as in case of failure to work on the public roads.

Hands to be furnished.

Penalty.

Distribution of labor.

SEC. 4. It shall be the duty of the commissioners in laying off said streams and sections, as provided for in section first of this act, to distribute the labor among the land-owners in proportion to the number of acres of sobbed lands and other lands owned by them within the estimate provided for in the last section as equally as may be, and to allot to the overseer of each section the hands required of the owners of the lands embraced in his section.

Duty of overseers.

SEC. 5. It shall be the duty of each overseer with the hands so provided to work in each and every year within the bounds of their respective sections not less than four

or more than twenty-four days, at the discretion of the commissioners, on the channel of said streams, with power to straighten, remove obstructions and improve the banks thereof: *Provided*, that said commissioners may in their discretion order any or all the overseers with their respective hands when deemed necessary to work at any point on said stream. Proviso.

SEC. 6. That any person or persons who shall wilfully and knowingly fell timber or otherwise obstruct the waters in the channels of said streams between said points of said boundary in said county, and shall permit the same to remain therein for the space of twenty (20) days, shall be deemed guilty of a misdemeanor, and upon conviction be fined not less than five nor more than ten dollars: *Provided*, That if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offense was committed before a presentment is made of the same, he or they shall not be liable to indictment for such offense. Misdemeanor to fell timber, &c. Penalty. Proviso.

SEC. 7. That all moneys arising from failure to work on said streams and all penalties collected under the provisions of said act shall be paid over to the overseer of the section in which it may arise, and by him shall be expended in improving the channel of said stream, and any overseer failing or neglecting to perform the duties required by this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten nor more than twenty dollars: *Provided*, that no person shall be required without his consent to serve more than one term of two years at one time. Application of penalties collected. Penalty for neglect of duty by overseer. Proviso.

SEC. 8. That nothing contained in this act shall prevent the building of public bridges or public roads across said streams, or private bridges or water gates by the land-owners for their own convenience. Building of bridges, &c., not prohibited.

SEC. 9. That nothing herein contained shall be so construed as to exempt persons therein mentioned from working on the public roads. No exemption from working roads.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1879.

CHAPTER 85.

AN ACT TO MAKE THE TUCKASIEGE RIVER, IN JACKSON COUNTY, A LAWFUL FENCE.

The General Assembly of North Carolina do enact :

Lawful fence.

SECTION 1. That the Tuckasiege river, in Jackson county, shall be a lawful fence from the Swain county line upon said river to E. C. Chastain's Merchant Mill, situated on said river.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1879.

CHAPTER 86.

AN ACT TO PREVENT THE FELLING OF TIMBER IN SILVER CREEK, IN BURKE COUNTY.

The General Assembly of North Carolina do enact :

Unlawful to fell timber.

SECTION 1. That it shall be unlawful for any person to cut and fell timber in Silver creek, in Burke county, from the mouth of said creek to McElrath's mills, on said creek.

Misdemeanor.

SEC. 2. That any person who shall violate the provisions of this act shall be guilty of a misdemeanor, and upon indictment and conviction before any justice of the peace

shall forfeit and pay a fine of not more than ten dollars or Penalty.
imprisoned not more than five days.

SEC. 3. That this act shall be in force from and after its
ratification.

Ratified the 28th day of February, A. D. 1879.

CHAPTER 87.

AN ACT TO AMEND SECTION FORTY, CHAPTER ONE HUN-
DRED AND FIVE OF BATTLE'S REVISAL, REGULATING
THE FEES OF JAILORS.

The General Assembly of North Carolina do enact:

SECTION 1. That section forty, chapter one hundred and
five of Battle's Revisal, be amended so as to read as fol- Chap. 105, sec. 40,
Battle's Revisal,
amended.
lows: "jailor shall receive, for finding prisoner fuel, one Fees of jailors.
pound of wholesome bread, one pound of good roasted or
boiled flesh, and a sufficient quantity of water, with every
necessary attendance, a sum not exceeding twenty-five
cents per day, unless the county commissioners shall deem
it expedient to increase the fees, which they may do pro- County commis-
sioners authorized
to increase fees.
vided such increase shall not exceed fifty per cent. on
the above sum. But whatever sum [may] be fixed on by the
county commissioners shall be recorded, and shall not be
altered within one year thereafter.

SEC. 2. That sub-section nine, section twenty-one, chap- Sec. 21, sub-sec. 9,
repealed.
ter one hundred and five of Battle's Revisal, and all other
laws in conflict with this act, are hereby repealed.

Ratified the 28th day of February, A. D. 1879.

CHAPTER 88.

AN ACT PROVIDING FOR THE EXEMPTION OF CERTAIN
PERSONAL PROPERTY FROM SALE UNDER EXECUTION.

The General Assembly of North Carolina do enact :

Personal property
exempt from exe-
cution.

SECTION 1. That the personal property hereinafter named, belonging to any resident of this state, shall be exempted from any execution or other final process issued for the collection of any debt, when the owner or any agent or attorney in his behalf shall demand that the same or any part thereof shall be exempted from sale, viz: the wearing apparel, arms for muster, one Bible and Testament, one hymn book, one prayer book, ten bushels of corn or wheat, fifty pounds of bacon, beef or pork or one barrel of fish, all necessary farming tools for one laborer, one bed, one bedstead and covering, one cart or wagon, one work-horse, the libraries of licensed attorneys at law, practicing physicians and ministers of the gospel, the instruments of surgeons and dentists used in their professions, and the tools of mechanics; and in addition to the above articles there shall be exempt in favor of every head of a family or housekeeper, when the owner or any agent or attorney in his behalf, or in his absence his wife shall demand that the same or any part thereof shall be exempted from sale, the following, viz: one wheel and two pairs of cards, one sewing machine, one loom, all necessary school books, one bed, bedstead and covering for every two members of the family, all necessary farming and mechanical tools, one yoke of oxen, one milch cow and calf, fifteen head of hogs, five hundred pounds of bacon or pork, fifty bushels of corn, twenty bushels of wheat or rice, and all necessary household and kitchen furniture, including one cook-stove and utensils for cooking thereon, and such other [articles] as may be necessary for the comfort and support of the family, not

to exceed fifty dollars in value: *Provided, however,* that the Proviso. entire exemption of personal property of the debtor, under article ten of the constitution of the state and all acts of the general assembly, shall not exceed five hundred dollars in value: *And provided further,* that the value of Proviso. said personal property exempted shall be ascertained as provided for in chapter fifty-five of Battle's Revisal.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1879.

CHAPTER 89.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ALLOW MILTON TOWNSHIP, IN THE COUNTY OF CASWELL, TO SUBSCRIBE FIFTEEN THOUSAND DOLLARS IN PAYMENT OF STOCK ON THE MILTON AND SUTHERLIN RAILROAD COMPANY, AND FOR OTHER PURPOSES."

The General Assembly of North Carolina do enact :

SECTION 1. That the acts and duties directed and required to be performed by the county treasurer of said county in the fourth and fifth sections of an act entitled "an act to allow the Milton township, in said county, to subscribe fifteen thousand dollars on payment of stock in the Milton and Sutherlin Narrow Gauge Railroad Company," ratified third day of February, Anno Domini one thousand eight hundred and seventy-seven, shall hereafter be discharged by the sheriff of said county, and with taxes collected in pursuance of the above recited act; the said sheriff shall pay the interest falling due on the township bonds the first day of January in each and every year, and also purchase at par and retire five hundred dollars of said bonds, and so much of said tax as may hereafter

Chap. 75, secs. 4 and 5, acts 1876-'77, amended.

Duties heretofore imposed on county treasurer to be performed by sheriff.

To pay interest on township bonds.

To purchase bonds.

- remain in his hands shall be immediately applied by him in payment of interest falling due [on] said bonds on first of July following: *Provided*, the coupons can be discounted at the rate of eight per cent. and in the purchase of other bonds for the benefit of the sinking fund; and all bonds and coupons purchased and paid for as aforesaid shall be burned by the sheriff in the presence of the board of county commissioners while in session, and a record shall be made of the bonds and coupons so destroyed upon the journal of the board.
- Proviso.** SEC. 2. That the sheriff shall be allowed the same compensation for his services in the premises that is allowed him for collecting and disbursing the county funds.
- Compensation of sheriff.** SEC. 3. That all the taxable property in said township shall be subject to the said railroad tax, whether the owners thereof reside in said township or not, [which] shall be levied for that purpose; and the board of county commissioners are hereby authorized and required to cause a survey to be made of said township, at the expense of the county, and the boundaries thereof clearly established.
- What property subject to railroad tax.** SEC. 4. That whenever said railroad company shall issue certificates of stock a certificate of fifteen thousand dollars (\$15,000) of stock shall be issued in the name of the Milton township and deposited by the treasurer of said company with the register of deeds of said county and duly registered by him, and the acting justices of the peace of said township shall represent said stock in any meeting of the stockholders, and all dividends hereafter accruing on said stock shall be paid by the treasurer of said company to the school committee of the Milton township for the benefit of public schools in equal proportion.
- Township boundaries to be surveyed.** SEC. 5. That section four, chapter seventy-five, laws of North Carolina, one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended as follows: add after the words "county
- Certificate of stock to be issued to Milton township.**
- Stock to be represented by justices of the peace of township.**
- Dividends to be paid to township school committee.**
- Chap. 75, sec. 4, acts 1876-'77, amended.**

treasurer," "or other officers elected or appointed to perform the duties of county treasurer, as provided by law."

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1879.

CHAPTER 90.

AN ACT TO REGULATE THE HOLDING OF THE COURTS IN THE SEVENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That section seventh, of chapter two hundred and fifty-five, of laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven be stricken out and the following be inserted in lieu thereof:

The seventh judicial district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit:

Davidson—The first Monday in March and September. Davidson.

Davie—The third Monday in March and September. Davie.

Yadkin—The fourth Monday in March and September. Yadkin.

Wilkes—The first Monday after the fourth Monday in March and September. Wilkes.

Alleghany—The third Monday after the fourth Monday in March and September. Alleghany.

Surry—The fourth Monday after the fourth Monday in March and September. Surry.

Stokes—The sixth Monday after the fourth Monday in March and September. Stokes.

Forsythe—The seventh Monday after the fourth Monday in March and September. Forsythe.

Rowan.

Rowan—The ninth Monday after the fourth Monday in March and September.

Process.

SEC. 2. That all processes heretofore issued or which may hereafter be issued, shall be held returnable to the respective court from which it was issued at the respective terms as provided for in this act without prejudice.

SEC. 3. That this act shall be in force from and after the first day of August, Anno Domini one thousand eight hundred and seventy-nine.

Ratified the 28th day of February, A. D. 1879.

CHAPTER 91.

AN ACT FOR THE RELIEF OF CERTAIN CITIZENS OF THE COUNTIES OF NEW HANOVER, UNION AND HERTFORD.

Preamble.

WHEREAS, in accordance with the provisions of the eighth section of an act entitled "an act to establish a department of agriculture, immigration and statistics, and for the encouragement of sheep husbandry," the Navassa Guano Company, of Wilmington, North Carolina, and other manufacturers and dealers in fertilizers residing in the counties of New Hanover, Union, Hertford and Washington, in addition to the privilege tax of five hundred dollars per annum, paid also a tax of fifty cents per ton upon fertilizers sold during the years Anno Domini one thousand eight hundred and seventy-seven and Anno Domini one thousand eight hundred and seventy-eight, amounting in the aggregate to the sum of fourteen hundred sixty-two dollars and ninety-six cents, of which there was paid to the several sheriffs, as follows:

To the sheriff of New Hanover, one thousand two hundred and twenty dollars and thirty-five cents; to the sheriff of Union, one hundred and twenty-one dollars and

thirty-seven cents; to the sheriff of Hertford, one hundred and twenty-one dollars and twenty-four cents; and to the sheriff of Washington, ninety-one dollars: AND WHEREAS, said tax of fifty cents per ton for every ton of fertilizers sold has been collected from no other parties than the citizens or residents of the counties hereinbefore named: AND WHEREAS, the commissioner of agriculture, recognizing the inequality and injustice of using the amounts herein enumerated, has reserved them, and in his official report to his excellency governor Z. B. Vance, has recommended that said amounts shall be refunded to the parties from whom they were collected:

The General Assembly of North Carolina do enact:

SECTION 1. That the state treasurer be authorized and directed to pay over to the sheriff of New Hanover county the sum of twelve hundred and twenty dollars and thirty-five cents; to the sheriff of Union county the sum of one hundred and twenty-one dollars and thirty-seven cents; to the sheriff of Hertford county the sum of one hundred and twenty-one dollars and twenty-four cents; and to the sheriff of Washington county the sum of ninety-one dollars, to be by them, the sheriffs, refunded to the several parties in such sums as have been illegally collected from such parties. That the provisions of this act shall apply to all ton tax paid by any county on fertilizers when the same shall be properly proven.

Certain taxes refunded.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1879.

CHAPTER 92.

AN ACT TO DEFINE THE CRIMINAL JURISDICTION OF JUSTICES OF THE PEACE.

The General Assembly of North Carolina do enact :

Criminal jurisdiction of justices of the peace.

SECTION 1. Justices of the peace shall have exclusive original jurisdiction to hear, try and determine the offenses enumerated in sections forty-three, eighty-five, one hundred and twelve, one hundred and sixteen, one hundred and seventeen, one hundred and nineteen, and one hundred and thirty-nine, of chapter thirty-two of Battle's Revisal, as amended by chapter one hundred and seventy-six of the laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four; and the punishment for every such offense shall not exceed a fine of fifty dollars, or imprisonment for thirty days.

Additional jurisdiction.
Peace warrants, bastardy, &c.

SEC. 2. Justices of the peace shall also have exclusive original jurisdiction of all such peace warrants and proceedings thereunder as they shall assume jurisdiction of, and of all bastardy proceedings and issues arising thereunder, and to take bonds from defendants in such proceedings, with approved security, as heretofore required by law to be taken in the superior courts of this State; and also of all assaults, assaults and batteries and affrays, where no deadly weapon is used. And the punishment for such offenses enumerated in this section shall not exceed a fine of fifty dollars, or imprisonment for thirty days; and the allowance made to women in bastardy proceedings, when the putative father admits the paternity of the child, or the issue has been found against him, shall in no case exceed fifty dollars, and the defendant shall also pay a fine of ten dollars, which shall go to the school fund, as heretofore provided by law: *Provided, however,* that justices of the peace shall have no jurisdic-

Provided.

tion over assaults with intent to kill, or assaults with intent to commit rape, except as committing magistrates.

SEC. 3. The party convicted before a justice shall always be adjudged to pay the costs, and if [the] party charged shall be acquitted, the complainant shall be adjudged to pay the costs, and may be imprisoned for the non-payment thereof. But in no such case shall the county be liable to pay any such costs.

By whom costs to be paid.

County not liable.

SEC. 4. The words "imprisonment for one month," whenever used in any of the statute laws of this state, shall be construed to mean "imprisonment for thirty days," by all the judges and courts of the state.

How "imprisonment for one month" to be construed.

SEC. 5. Section six, of chapter one hundred and seventy-six of the laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, is hereby repealed.

Sec. 6, chap. 176, acts 1873-'74 repealed.

SEC. 6. Section one hundred and eleven, chapter thirty-two of Battle's Revisal, shall be amended to read as follows: In all cases of an assault with or without intent to kill or injure, the person convicted shall be punished by fine or imprisonment, or both, at the discretion of the court: *Provided*, that where no deadly weapon has been used and no serious damage done, the punishment in such case shall not exceed a fine of fifty dollars or imprisonment for thirty days; but this proviso shall not apply to cases of assault with intent to kill, or assault with intent to commit rape.

Sec. 111, chap. 32, Battle's Revisal, amended.

Proviso.

SEC. 7. Justices of the peace shall have exclusive original jurisdiction of all criminal matters arising within their counties, where the punishment now or which shall hereafter be prescribed by law, shall not exceed a fine of fifty dollars or imprisonment for thirty days.

Exclusive original jurisdiction.

SEC. 8. Section one hundred and nineteen, chapter thirty-three of Battle's Revisal, is hereby repealed.

Sec. 119, chap. 33, Battle's Revisal, repealed.

SEC. 9. Whenever any person complained of on a peace warrant shall be brought before a justice of the peace, such person may be required to enter into a recognizance,

Proceedings on peace warrant.

payable to the state of North Carolina in such sum not exceeding one thousand dollars, as such justice shall direct, with one or more sufficient sureties, to appear before some justice of the peace within a period not exceeding six months, and not depart the court without leave, and in the meanwhile to keep the peace and be of good behavior towards all the people of the state, and particularly towards the person requiring such security.

Appeal to superior court.

SEC. 10. The party against whom such judgment shall be given may appeal to the superior court from the same. And the party injured may appeal if he shall be dissatisfied with the judgment, if he will authorize the justice to endorse his name upon the warrant as the *prosecutor*. When an appeal is taken the whole matter shall be heard anew in the superior court.

When other courts to assume jurisdiction of certain offenses.

SEC. 11. Nothing in this act shall be construed to prevent the superior, inferior or criminal courts from finally hearing and determining such affrays as shall be committed within one mile of the place where and during the time such court is being held; nor shall this act be construed to prevent said courts from assuming jurisdiction of affrays, assaults, and assaults and batteries, if some justice of the peace shall not within six months after the commission of the offense have proceeded to take official cognizance of the same.

Not applicable to proceedings now pending.

SEC. 12. This act shall not apply to proceedings now pending in the superior, criminal or inferior courts.

SEC. 13. This act shall be in force from its ratification. Ratified the 28th day of February, A. D. 1879.

CHAPTER 93.

AN ACT TO AUTHORIZE A HISTORY OF NORTH CAROLINA
FOR THE USE OF THE COMMON SCHOOLS IN THIS STATE.

WHEREAS, John W. Moore, of Hertford [county] has Preamble.
prepared a history of North Carolina which has been ex-
amined and approved by the joint committee on edu-
cation :

The General Assembly of North Carolina do enact:

SECTION 1. That upon the publication of an abridg- Moore's history of North Carolina to be used in common schools.
ment of this work and its approval by the superinten-
dent of public instruction, the same shall be used in the
common schools of the state as a text-book : *Provided*, the Proviso.
state board of education shall have first agreed with the
publishers as to [the] price which said work shall be
sold for.

SEC. 2. This act shall be in force from and after its ratifi-
cation.

Ratified the 1st day of March, A. D. 1879.

CHAPTER 94.

AN ACT TO MAKE JUSTICES OF THE PEACE EX-OFFICIO
RANGERS OF THE TOWNSHIP IN WHICH THEY RESPEC-
TIVELY RESIDE.

The General Assembly of North Carolina do enact:

SECTION 1. That all justices of the peace shall be deem- Justices of the peace ex-officio rangers.
ed and taken to be legally qualified *ex-officio* to act as ran-
gers for their respective townships in the county where
they reside, and are hereby invested with all the powers

and authority conferred on rangers by chapter one hundred and nine of Battle's Revisal.

SEC. 2. That all laws and clauses of laws coming in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1879.

CHAPTER 95.

AN ACT TO PROHIBIT THE DRIVING OF CATTLE FROM SOUTH CAROLINA AND GEORGIA AND OTHER PLACES INTO CERTAIN COUNTIES WEST OF THE BLUE RIDGE.

The General Assembly of North Carolina do enact :

Unlawful to drive
cattle into counties
west of the Blue
Ridge.

Misdemeanor.

Fine.

Additional pen-
alty.

Provided

SECTION 1. That if any person or persons shall drive or cause to be driven any cattle from or through South Carolina or Georgia, or from any of the counties east of the Blue Ridge in this state, into any of the counties west of the Blue Ridge, such person or persons shall be guilty of a misdemeanor, and upon conviction before any justice of the peace in said county, shall be fined not more than fifty dollars or imprisoned in the county jail not more than thirty days; and every such person or persons above described shall be liable to a penalty of five dollars for each and every head of cattle so driven as aforesaid; one-half shall go to any one who may sue for and recover the same, the other half to the county for road purposes, or proceed by attachment according to law, in case the offender is not to be found: *Provided*, this section shall not apply to any one residing within one mile of the state line of South Carolina and Georgia, or within ten miles of the county lines of Polk, Rutherford and McDowell, or within five miles of the county lines of Ashe, Watauga

and Alleghany: *Provided further*, that in the counties of Proviso. Clay, Cherokee and Macon, non-residents who live within five miles of the state line, and who are *bona fide* owners of land in North Carolina, shall be allowed to bring in cattle to the rate of twenty head for every two hundred acres of land they may own in North Carolina: *And provided fur-* Proviso. *ther*, this act shall not apply to any person or persons driving oxen to and from market from fifteenth October to first of March, or to imported cattle shipped for breeding purposes at any time: *Provided further*, this act Proviso. shall not apply to any person or persons in the counties of Caldwell, Wilkes, Surry, Yadkin and Alexander, owning lands west of the Blue Ridge: *And provided further*, that Proviso. this act shall not apply to persons driving cattle to Watauga county to pasture for hire.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1879.

CHAPTER 96.

AN ACT TO REQUIRE CLERKS AND JUSTICES OF THE PEACE TO KEEP AN ITEMIZED STATEMENT OF ALL FINES RECEIVED BY THEM, AND TO PROPERLY ACCOUNT FOR THE SAME, AND ALSO TO AMEND CHAPTER ONE HUNDRED AND SIXTEEN, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, BEARING UPON THE SAME SUBJECT.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be the duty of the clerks of the sev- Clerks and justices of the peace to eral courts of this state, and of the several justices of the

keep itemized
statement of fines,
&c.

peace, to enter in a book, to be supplied by the county, an itemized and detailed statement of the respective amounts received by them in the way of fines, penalties and forfeitures, and said book shall at all times be open to the inspection of the public.

Fines, &c., to be
paid to county
treasurer within
sixty days.

SEC. 2. All fines, penalties and forfeitures so received by any clerk or justice of the peace shall within sixty days after being so received be paid over to the county treasurer or person legally acting as such, who shall give a receipt to every such clerk or justice for the same, and said county treasurer or person legally acting as such shall enter in a book to be kept by him the exact amount of any fine, penalty or forfeiture so paid over to him, giving the date of payment, the name of the clerk or justice so paying the same, the name of the party from whom such fine, penalty or forfeiture was collected, and in what case.

Treasurer to keep
itemized account
of fines, &c., re-
ceived.

Certified state-
ment of account to
be filed with supe-
rior court clerk.

SEC. 3. It shall be the duty of the county treasurer or person legally acting as such to file a certified statement itemized as aforesaid in the office of the clerk of the superior court, and it shall be the duty of the said clerk to record said statement in a book to be kept in his office for that purpose. Said certified statement shall be filed by said treasurer or person so acting in said clerk's office, on the first days of January, April, July and October in each and every year.

Fines, &c., hereto-
fore collected to be
paid to the treas-
urer.

SEC. 4. All fines, penalties and forfeitures heretofore collected by any such clerks or justices, and which have not been accounted for, shall be paid over to such treasurer or person acting as such on or before the first day of September, Anno Domini one thousand eight hundred and seventy-nine by said clerks and justices.

Fines, &c., appro-
priated to common
schools.

SEC. 5. All fines, penalties and forfeitures herein mentioned shall be appropriated and paid out by the county treasurer as aforesaid for the use of the free common schools of the county in which said fines, penalties and forfeitures [are] collected.

SEC. 6. If any clerk, justice of the peace, county treasurer or person acting as such shall fail or neglect to perform any of the duties or requirement[s] of this act, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Failure to perform duty a misdemeanor.

SEC. 7. That section one of chapter one hundred and sixteen, of the laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be amended by inserting after the word "superior" in line one the words "inferior or criminal."

Chap. 116, sec. 1, acts 1873-'74, amended.

SEC. 8. That section three of the same chapter of the same laws be amended by inserting after the word "superior" in line one the words "inferior or criminal," and by inserting after the word "superior" in lines four and five of said section the words "inferior or criminal," and by striking out the word "superior" in line seven of said section, and inserting in lieu thereof the word "said."

Sec. 3 amended.

SEC. 9. That section four of the said chapter of said laws be amended by inserting after the word "superior" in line two the words "criminal or inferior."

Sec. 4 amended.

SEC. 10. That section five of the said chapter of said laws be amended by inserting after the word "superior" in line four the words "criminal or inferior."

Sec. 5 amended.

SEC. 11. That section six of said chapter of said laws be amended by inserting after the word "superior" in line one the words "criminal or inferior."

Sec. 6 amended.

SEC. 12. This act shall be in force from its ratification.
Ratified the 4th day of March, A. D. 1879.

CHAPTER 97.

AN ACT TO PREVENT THE DESECRATION OF THE SABBATH DAY.

The General Assembly of North Carolina do enact:

Unlawful to load
or unload freight
car on Sunday.

SECTION 1. That no railroad company shall permit the loading or unloading of any freight car on the Sabbath day (known as Sunday) within the limits of this state.

No cars, &c., to be
run on Sunday.

SEC. 2. That no railroad company shall permit any car, train of cars, or locomotive to be run on Sunday on any road within the limits of the state except such as may be absolutely necessary for the transportation of the United States mails, and except in cases of urgent necessity other than for the purpose of business and pleasure: *Provided*, that the word Sunday as used in this act shall be construed to embrace only that part of the day between sunrise and sunset.

Exception.

Proviso.

Misdemeanor.

SEC. 3. That any railroad company offending against either of the above sections shall be liable for indictment for a misdemeanor in each county in or through which such car, train of cars or locomotive shall pass, or in which such freight car shall be loaded or unloaded; and upon conviction thereof shall be fined not less than five hundred dollars for each offense.

Penalty.

Application of
fines.

SEC. 4. That the fine so imposed shall when collected be paid into the public treasury of the state, for the use of the public schools of the state.

SEC. 5. This act shall be in force from and after the twentieth day of March, one thousand eight hundred and seventy-nine.

Ratified 4th day of March, A. D. 1879.

CHAPTER 98.

AN ACT TO COMPROMISE, COMMUTE AND SETTLE THE STATE
DEBT.

The General Assembly of North Carolina do enact :

SECTION 1. That when any person or persons, holding and owning any bond or bonds of the state of North Carolina, issued in pursuance of any act of assembly, passed at any time before the twentieth day of May, eighteen hundred and sixty-one, exclusive of bonds issued for the construction of the North Carolina Railroad, or in pursuance of the act of the general assembly, passed at its session in eighteen hundred and sixty-five, it being chapter three of the laws of eighteen hundred and sixty-five, or in pursuance of an act passed by the general assembly at its session in eighteen hundred and sixty-seven, it being chapter fifty-six of the laws of eighteen hundred and sixty-seven, or in pursuance of an act entitled "an act to provide for the payment of the state debt contracted before the war," ratified on the tenth day of March, eighteen hundred and sixty-six, or in pursuance of an act entitled "an act to provide for funding the matured interest on the public debt," ratified the tenth day of August, Anno Domini eighteen hundred and sixty-eight; or any registered certificate or certificates belonging to the board of education, issued in pursuance of an act of the general assembly of eighteen hundred and sixty-seven, shall surrender and deliver such bond or bonds, with the coupons attached thereto, or registered certificate or certificates, to the treasurer of the state, then and in that case, it shall be the duty of the treasurer of the state, and he is hereby required to issue and deliver to the person surrendering such bond or bonds, certificate or certificates, a new bond or bonds of the state, due and payable thirty years from the first day of July, Anno Domini

Enumeration of fundable bonds.

Bonds issued before May 20th, 1861.

Exception.

Under chap. 3, acts 1865.

Under chap. 56, acts 1866-'67.

Under chap. 37, acts 1866.

Under chap. 32, acts 1868.

Registered certificates, issued under chapter 68, acts 1866-'67.

To be surrendered to treasurer.

Treasurer to issue new bonds.

eighteen hundred and eighty, bearing interest from date at the rate of four per cent per annum, payable semi-annually, on the first day of January and July in each successive year, at the office of the public treasurer.

Denomination of bonds.

SEC. 2. The said bonds are to be coupon bonds of the denomination of fifty dollars, one hundred dollars, and one thousand dollars, and are to be numbered from one upwards, in accordance with the order of issue. They

How signed, &c.

shall be signed by the governor and treasurer, and sealed with the great seal of the state; but the coupons thereon may be signed by the treasurer alone, or have a *fac simile* of his signature printed, engraved or lithographed thereon.

Exempt from taxation.

SEC. 3. The said bonds shall be exempt from all state, county or corporate taxation or assessment direct or indirect, general or special, whether imposed for the purposes

Coupons receivable for taxes.

of general revenue or otherwise. The said coupons shall be receivable in payment of any and all state taxes, and the same shall be expressed on the face of each coupon; the coupon shall bear the same number as the bonds to which they are attached, and in addition be numbered from one upwards, in accordance with the date of their maturity.

Rates of exchange.

SEC. 4. These bonds shall be exchanged for the old bonds of the state mentioned in the first section of this act at the following rates:

Bonds exchangeable at *forty* per cent.

Class 1.—For the bonds issued before the twentieth day of May, eighteen hundred and sixty-one, forty per cent. of the principal of the bond or bonds so surrendered.

Bonds exchangeable at *twenty-five* per cent.

Class 2.—For the bonds issued since the close of the war, by authority of acts passed before the war to aid in the construction of the Western North Carolina Railroad and the bonds issued in pursuance of the said act of assembly of eighteen hundred and sixty-five, chapter three, and act of assembly eighteen hundred and sixty-seven, chapter fifty-six; the bonds issued October first, eighteen hundred and sixty-one, by authority of act of eighteen hundred and sixty-one, chapter one hundred and thirty-

seven, for Western (Coalfield) Railroad, the bonds issued October first, eighteen hundred and sixty-one, by authority of act of eighteen hundred and fifty-four and fifty-five, chapter two hundred and twenty-eight, section thirty-five, and resolution September the twelfth, eighteen hundred and sixty-one, and the said registered certificates of the literary fund, for the bonds issued July the first, eighteen hundred and sixty-two, by authority of act of eighteen hundred and sixty and sixty-one, chapter one hundred and forty-two, for the construction of the Wilmington, Charlotte and Rutherford Railroad, twenty-five per cent. of the principal of the bonds or certificates so surrendered.

Class 3.—And those issued in pursuance of the said funding acts of March the tenth, eighteen hundred and sixty-six, and August the twentieth, eighteen hundred and sixty-eight, fifteen per centum of the principal of the bond or bonds so surrendered: *Provided*, that all bonds issued in exchange for the new bonds shall be surrendered with all the coupons attached.

Bonds exchange-
able at *fifteen* per
cent.

Proviso.

SEC. 5. The bonds so to be issued shall be in the usual form of bonds of this state, except as modified and provided by this act, and shall have printed on the face of the same the words "issued in pursuance of an act entitled an act to compromise, commute and settle the state debt," ratified the.....day of..... Anno Domini one thousand eight hundred and seventy-nine, and in large red letters, "the consolidated debt of the state."

Form of bonds.

SEC. 6. That all state taxes levied and collected from professions, trades, incomes, merchants, dealers in cigars, and three-fourths of all the taxes collected from wholesale and retail dealers in spirituous, vinous and malt liquors, shall be held and applied to the payment of the interest on said bonds, and the provisions of this section shall be deemed and taken to be a material part of the consideration for which the bonds of the state shall or may be surrendered.

What taxes appli-
cable to payment
of interest.

SEC. 7. That if the whole fund raised by such taxes

Excess of fund accruing from taxes to be applied to purchase of bonds.

shall not in any one year be required to pay such accruing interest, then and in that case it shall be the duty of the treasurer, with the sanction of the governor and the auditor, to buy with the surplus such of the consolidated bonds as he can buy at the lowest price after thirty days' advertisement in at least two papers published in Raleigh, and he shall forthwith cancel any such bonds so purchased.

Treasurer to keep descriptive list of bonds surrendered.

SEC. 8. That the treasurer shall provide a substantial bound book for the purpose, in which he shall make a correct descriptive list of the bonds so surrendered, which list shall embrace the number, date and amount of each, and the purpose for which the same was issued, when this can be ascertained, and the names of the person surrendering the same, and after such list shall be made, such surrendered bonds being ascertained to be present, shall be consumed by fire in the presence of the governor, the treasurer, the auditor, the attorney general, the secretary of state and superintendent of public instruction, who shall each certify under his hand respectively in such book that he saw such described bonds so consumed and destroyed.

Surrendered bonds to be destroyed.

Treasurer to keep descriptive list of bonds issued.

SEC. 9. That the treasurer shall provide a well bound book, in which shall be kept an accurate account and descriptive list of the new bonds to be issued, and such descriptive list shall embrace the date, number and amount of such bond or bonds, for which the same issued and the name of the person to whom issued.

Executors, &c., authorized to exchange bonds.

SEC. 10. That it shall be lawful for any executor, administrator, guardian, trustee, director of any corporation, and any and all other persons acting in a fiduciary capacity holding bonds of the state, to make the exchange provided in this act, and they shall be absolved from all liability on account of said exchange.

Limitation of act.

SEC. 11. The provisions of this act for the exchange and issue of bonds shall continue in force until the first

day of January, Anno Domini one thousand eight hundred and eighty-two.

SEC. 12. That as a further provision for the purpose of paying the interest on these said new bonds, if the taxes for any one year upon the subjects of taxation hereinbefore mentioned shall be insufficient to pay said interest, then and in that case the public treasurer shall be authorized to apply any funds in the treasury not otherwise appropriated to that purpose.

Interest to be paid out of public treasury in case of insufficiency of fund accruing from taxes.

SEC. 13. That in the event that the taxes collected in any one year upon the aforesaid subjects of taxation, and the funds not otherwise appropriated in the treasury when added together shall be inadequate to pay said interest, then and in that case, and in order to provide for the deficiency, the public treasurer be and he is hereby authorized to issue coupon bonds of this state of the denomination of five hundred dollars, bearing date of the first day of October or April of the year of the issue, according as one or the other of said dates shall be nearest in point of time to the date of the issue. Said bonds shall be payable forty years after date, but redeemable after ten years at the option of the state, with interest at the rate of six per centum per annum, payable semi-annually on the first days of April and October. Said bonds shall bear upon their face in red letters the words "contingent bonds," and shall be numbered from one upwards in accordance with the order of their issue. They shall be signed by the governor and treasurer and sealed with the great seal of the state; but the coupons thereon may be signed by the treasurer alone, or have a *fac similie* of his signature printed, engraved or lithographed thereon. The said bonds and coupons shall be exempt from all state, county or corporate taxation or assessment, direct or indirect, general or special, whether imposed for purposes of general revenue or otherwise, and they shall be lawful investments by all executors, administrators, guardians and fiduciaries generally. The coupons on said bonds

"Contingent bonds" to be issued for payment of interest in case of insufficiency of fund accruing from taxes and deficit in treasury.

Treasurer authorized to issue bonds.

When payable.

Description of bond.

How signed, &c.

Exempt from taxation.

Coupons.

shall bear the same number as the bonds to which they are attached, and shall in addition be numbered from one upwards in accordance with the date of their maturity, and they shall be and shall so express upon their face that they are receivable at and after maturity in payment of all taxes, debts, demands and dues to the state of every nature and kind whatsoever.

Treasurer authorized to sell "contingent bonds."

Proviso.

SEC. 14. That the public treasurer shall be authorized to sell so many of said bonds at par as shall be necessary to provide for the deficiencies aforesaid: *Provided, however,* that the public treasurer shall not issue and sell in the aggregate more than six hundred of these bonds.

Provisions of act applicable to payment of interest on "contingent bonds."

SEC. 15. That all the provisions of this act for paying the interest on the consolidated bonds shall apply as well to the payment of the interest of these said contingent bonds.

Appropriation to carry out provisions of act.

SEC. 16. That for the purpose of carrying out the provisions of this act in relation to the furnishing of proper blank bonds and coupons, the public treasurer is authorized, with the approval of the governor, to use any funds not otherwise appropriated in the treasury, not exceeding the sum of five thousand dollars.

Treasurer to give notice.

SEC. 17. That the public treasurer is authorized to give public notice of this plan for a settlement of the state's indebtedness by advertising in such newspapers as he may select.

SEC. 18. This act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1879.

CHAPTER 99.

AN ACT RESPECTING THE COLLECTIONS OF RAILROAD TAXES
IN FORSYTHE COUNTY.

WHEREAS, the supreme court of North Carolina has Preamble.
decided that the people of Forsythe county shall pay the
subscription to the North-Western North Carolina Rail-
road Company, and in consequence of the financial depres-
sion and the inadequate price the farmer receives for his
produce, the said tax is oppressive and burdensome, and
the interests of the people demands the strictest economy
on the part of the county officials: therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners of the coun- Expense of collect-
ing tax limited.
ty of Forsythe shall not allow a sum to exceed five hun-
dred dollars for the collection of said railroad taxes
for any one year : *Provided*, the amount to be collected Proviso.
shall not exceed twenty thousand dollars.

SEC. 2. That if the amount to be collected in any one Allowance in case
tax exceeds \$20,000.
year shall exceed twenty thousand dollars the said com-
missioners may allow two and one-half per cent. upon
the amount in excess of the twenty thousand dollars.

SEC. 3. That the person to whom said tax-list shall be Tax-collector to
give bond.
given for collection shall execute a good and sufficient
bond thereof [for.]

SEC. 4. That all acts or parts of acts in conflict with
this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its
ratification.

Ratified the 4th day of March, A. D. 1879.

CHAPTER 100.

AN ACT TO RENEW THE CHARTER OF THE CHAPEL HILL
IRON MOUNTAIN RAILROAD COMPANY, TO CHANGE THE
THE NAME, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact :

Chap. 51, acts
1872-'73, re-enacted
and amended.

Body politic.

Name.

Corporate powers.

Authorized to sur-
vey route, con-
demn land, &c.

How valuation of
land determined.

Authority to trans-
port passengers,
&c.

SECTION 1. That the act of the general assembly of North Carolina entitled "an act to incorporate the Chapel Hill Iron Mountain Railroad Company," ratified the tenth day of February, one thousand eight hundred and seventy-three, be re-enacted and continued in force, and amended to read as follows: That Paul C. Cameron, Thomas M. Holt, Kemp P. Battle, Julian S. Carr, Robert F. Hoke, David McCauley, William F. Stroud, James B. Mason, Jones Watson and John R. Hutchings, their associates, successors and assigns, are hereby created a body politic and corporate, under the name of the State University Railroad Company, with the same corporate powers and franchises that the North Carolina Railroad Company now possesses.

SEC. 2. That in order to carry into effect the purposes and objects of this act, the railroad company hereby created may survey one or more routes for such railway as they deem practicable, and shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of said railway and branches, of the width of one hundred feet, and as much additional land as may be necessary for station houses, depots, and all other purposes necessary for the construction and maintenance of the aforesaid railway and branches, subject, however, to the valuation and appraisement of value and damage to be determined under the provisions of chapter ninety-nine of Battle's Revisal, entitled railroad companies, and shall have authority to transport passengers, freight and merchandise over their

own railway, its branches, or that of any railway it may lease, upon such terms and conditions as may be determined by the board of directors of the company.

SEC. 3. The railroad company hereby created shall have Authority to construct road, &c. power to construct a railroad with one or more tracks of such gauge as may be determined on by the board of directors of the company from Chapel Hill or some point Route. in the vicinity thereof to some point on the North Carolina Railroad, or to some point on the Raleigh and Augusta Air-Line Railroad, it being the intent of this act to authorize the said State University Railroad Company to construct a railroad with one or more tracks of such gauge as may be determined on by the board of directors of the company upon either of the above mentioned routes, so as to form a connection with the North Carolina Railroad Company or the Raleigh and Augusta Air-Line Railroad Company, or with both of said companies, if it shall be so desired by the board of directors of the company hereby created.

SEC. 4. The capital stock of the company shall consist Capital stock. of five hundred shares of the value of one hundred dollars each, and may be increased from time to time as a majority of the stockholders in interest may determine.

SEC. 5. The corporators named in this act, or any three Books of subscription. of them, may open books and receive subscriptions to the capital stock of the company, and when ten thousand dollars of the said capital stock shall have been subscribed, the subscribers thereto shall proceed to elect a board of Directors. directors not exceeding five in number, who shall serve until the next annual election or until their successors are elected, and said company shall be deemed to be on such subscription fully organized for all intents and purposes, and may proceed in carrying out the object of this charter.

SEC. 6. The company hereby created shall have power Power to merge with other road. to merge with any railroad company created by the laws of this state, and may change its name as may be desired

To contract for construction of road.	or determined by a majority of the stockholders thereof, and shall have power to contract with individuals, firms or corporations, for the construction of said railroad and its branches, and also for the equipment thereof.
Officers.	SEC. 7. The management of the company hereby created shall be vested in the board of directors to be elected annually at such time and place as may be prescribed by the stockholders. They shall [have] the power to make and adopt such rules and regulations, and appoint and create such officers as may be necessary for the transaction of the general railway business.
By-laws, &c.	
Other railroad companies authorized to subscribe for stock.	SEC. 8. Any railroad company, whether incorporated under the laws of this or any other state, shall have power to subscribe to the capital stock of said State University Railroad Company; or to lend money to the same by purchase of its bonds or otherwise, and may pay for such subscription or purchase in cash or by the issue of their bonds, or otherwise may borrow money for such purpose.
Power to borrow money.	SEC. 9. The State University Railroad Company shall have power from time to time to borrow such moneys as may be necessary to complete and operate the road, and to issue and dispose of bonds for any amount borrowed, and to mortgage their corporate property and franchises to secure the payment of any debt contracted by the company for the purposes aforesaid.
To issue bonds.	
Convicts to be furnished.	SEC. 10. The board of directors of the penitentiary are required to furnish the directors of the State University Railroad Company, or to their order, such number of convicts not exceeding one hundred, as said directors may from time to time apply for: <i>Provided</i> , the company shall not have employed more than one hundred convicts under the provisions of this section at any one time. The expenses of guarding and maintenance of said convicts shall be defrayed by said railroad company; that an estimate of the net value of the labor of the convicts shall be made by two commissioners, one to be appointed by the governor and [the other] by said railroad company,
Proviso.	

and the net value of such labor shall be a first lien in favor of the state and [on] such railroad: *And provided*, that Proviso. the number of convicts assigned to this railroad company shall be hereafter determined, but not to exceed one hundred provided for in this act.

SEC. 11. It shall be lawful for the judges of the superior courts of the state to sentence any persons convicted of any offence other than capital (where the sentence shall not exceed one year) in the counties of Wake and Orange, to work on said railroad, and to the charge of guarding and maintaining said convicts shall be paid by said company as in the preceding sections: *Provided*, that nothing Certain convicts to work road. Proviso. in this charter shall be construed to exempt said railroad company from taxation.

SEC. 12. This act shall be in force from and after its ratification.

Ratified 4th day of March, A. D. 1879.

CHAPTER 101.

AN ACT CONCERNING MORTGAGES ISSUED BY INCORPORATE COMPANIES.

The General Assembly of North Carolina do enact:

SECTION 1. That mortgages of incorporate companies upon their property or earnings, whether in bonds or otherwise, hereafter issued, shall not have power to exempt the property or earnings of such incorporations from execution for the satisfaction of any judgment obtained in courts of this state against such incorporation for labor performed for, nor material furnished such incorporation, nor for *torts* committed by such incorporation, its agent or employees, whereby any person is killed or any person

Property of corporations not exempt from certain liabilities on account of mortgages.

or property injured, any clause or clauses in such mortgage to the contrary notwithstanding.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1879.

CHAPTER 102.

AN ACT TO AID IN THE CONSTRUCTION OF THE CALDWELL AND WATAUGA NARROW GAUGE RAILROAD, AND TO LEVY A SPECIAL TAX IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact :

Watauga county authorized to subscribe to capital stock.

SECTION 1. That the board of county commissioners of Watauga county be and they are hereby authorized to subscribe for the county of Watauga the sum of two thousand dollars annually to the capital stock of the Caldwell and Watauga Narrow Gauge Railroad, to aid in the construction of the same.

County commissioners authorized to levy tax.

SEC. 2. That the board of county commissioners of said county shall levy and collect the necessary tax to pay said two thousand dollars per annum until said railroad is completed through Watauga county, to be levied and collected as other taxes are levied and collected.

Certificate of stock to be issued.

SEC. 3. That the president and board of directors of said Caldwell and Watauga Narrow Gauge Railroad shall, upon the payment to the president of two thousand dollars annually, issue to the chairman of the board of county commissioners for Watauga county a certificate of stock equivalent to the amount paid, and the county commissioners of Watauga county shall then have power to appoint one of their number or some other suitable person to represent the county in the meetings of the stockhol-

ders of said Caldwell and Watauga Narrow Gauge Railroad Company.

SEC. 4. That the board of county commissioners of Watauga county shall hold an election on the second Thursday in May, one thousand eight hundred and seventy-nine, for the purpose of ascertaining the sense of the qualified voters of Watauga county as to whether they will subscribe the aforesaid sum of two thousand dollars, having first given thirty days' notice of said election by public advertisement, posted at the court house door, in the town of Boone, and at one or more places in each township in said county. Election.

SEC. 5. That said election shall take place and be conducted under the law as prescribed for the election of members of the general assembly, and those voting for the subscription shall vote on a written or printed ticket "railroad," and those voting against said subscription shall vote "no railroad." The vote shall be compared by the county commissioners, who shall make a record of the same. How to be conducted.

SEC. 6. That if said board of county commissioners shall fail to order said election, mentioned in section four of this act, or shall refuse to levy and collect the tax mentioned in section two of this act, after the majority of the qualified voters of said county shall have voted for said subscription, then and in that case they and each of them shall be deemed guilty of a misdemeanor, and shall be fined and imprisoned at the discretion of the court. Failure of commissioners to order election.

SEC. 7. This act shall be in force from and after its ratification. Misdemeanor.

Ratified the 4th day of March, A. D. 1879.

CHAPTER 103.

AN ACT TO AMEND AN ACT TO INCORPORATE THE YADKIN RAILROAD COMPANY, RATIFIED THE FIFTH DAY OF APRIL, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

The General Assembly of North Carolina do enact :

Chap. 236, acts
1870-'71, amended.

Routes authorized.

Branch roads.

Books of subscrip-
tion for branch
roads.

Application of sub-
scriptions.

By-laws, &c.

Authorized to con-
solidate with W.
N. C. R. R.

With other rail-
road companies.

SECTION 1. The Yadkin Railroad Company is hereby authorized to construct a railway from the town of Salisbury to or near the town of Wadesboro, or to or near the town of Rockingham; and said company may, if it thinks proper, extend one branch of its road to or near Wadesboro, and another branch to or near Rockingham, as the board of directors of said company may determine to be best for the interests of the company.

SEC. 2. The said company is authorized to open books for subscription to any amount it may deem necessary to construct any branch or branches to, from or connecting with their main line, and to make the stock so subscribed separate and independent of the stock of the main line, and to be applied exclusively to the construction of the branch road for which it was subscribed, according to such agreement as may be entered into by the subscribers with said company; and all by-laws, agreements and covenants, which made by and between said company and the subscribers to any stock for the construction and management of any branch road, shall have the force and effect of law in all respects the same as though embraced in this act, and in the act of which this is amendatory.

SEC. 3. Authority is hereby given for the consolidation of this company with the Western North Carolina Railroad Company upon such terms and conditions as may be agreed upon by said companies; and said company may also be consolidated with any other company which

will build a railway from any point on the line of the Carolina Central Railway to the town of Salisbury.

SEC. 4. The board of directors of the penitentiary, on the application of the president of said company, shall furnish for labor on said road convicts not to exceed one hundred and fifty in number, to be under such guards, laws and regulations as provided for in other cases where convicts are furnished for public works in which the state has no interest. The said convicts shall be fed, clothed, guarded and cared for at the sole charge and expense of said company. Convicts to be furnished.

SEC. 5. This railroad shall have its *pro rata* of the convict labor: *Provided, however*, nothing in this act shall be construed to authorize the reduction of the number of convicts employed on the Western North Carolina Railroad below the present working force. Pro rata of convicts.
Proviso.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1879.

CHAPTER 104.

AN ACT TO ALLOW THE RABUN GAP SHORT LINE RAILWAY TO USE FIFTY CONVICTS IN CONSTRUCTING THEIR ROAD FROM THE GEORGIA LINE THROUGH THE COUNTIES OF MACON AND SWAIN.

The General Assembly of North Carolina do enact:

SECTION 1. That the authorities of the penitentiary, on the application of the boards of county commissioners of Macon and Swain counties or either of them, or the president or board of directors of the Rabun Gap Short Line Railway Company, are directed to furnish for labor of said road not less than fifty convicts, the said convicts to Convicts to be furnished.

be in all respects under such guards, laws and regulations as are provided for in other cases where convicts are furnished for public works; and that the said counties or railway companies shall feed, clothe, guard and furnish all necessary medical aid to said convicts at the expense of said counties or corporation. The convicts herein provided for shall be furnished upon the same terms as convicts have heretofore been furnished the most favored roads in which the state has no interest.

Not to interfere with assignment of convicts where state has an interest.

SEC. 2. This act shall not be construed to interfere with the assignment of convicts' labor to any public works in which the state has an interest.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1879.

CHAPTER 105.

AN ACT TO PUNISH TREASURERS OF BENEVOLENT AND RELIGIOUS INSTITUTIONS.

Preamble.

WHEREAS, public confidence has been much abused by the unworthiness of financial officers of benevolent and religious institutions: therefore,

The General Assembly of North Carolina do enact :

Misdemeanor for officer of benevolent or religious institution to misapply funds.

SECTION 1. That any treasurer or other financial officer of any benevolent or religious institution who shall apply any of the moneys coming into his hands as such to his own private use, or who shall lend any of such moneys to any other person without the consent of such benevolent or religious institutions, and who shall fail to account for such money when applied for, shall be deemed guilty of a mis-

demeanor and on conviction shall be fined or imprisoned, **Penalty.**
or both at the discretion of the court.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1879.

CHAPTER 106.

AN ACT TO CREATE A NEW TOWNSHIP OUT OF A PORTION
OF WAYNESVILLE AND BEAVER DAM TOWNSHIP[S] IN THE
COUNTY OF HAYWOOD.

The General Assembly of North Carolina do enact:

SECTION 1. That a new township is hereby created and established out of a portion of Waynesville and Beaver ^{New township established in Haywood county.} Dam townships in the county of Haywood, bounded as ^{Boundaries.} follows: beginning on the top of Chambers' mountain, thence west with the divide of the Hider mountain, thence with the divide of said mountain to Pigeon river, crossing said river at the Narrows, thence with the road to the state road at or near J. M. Tate's, crossing the state road running south with the dividing ridge east of Jeremiah Tiner's, with divides to the Ratcliff's gap, thence with the divide to the top of Lee mountain, thence south-east with said mountain through the Cathey gap to the top of Holland knob, thence northward leading ridge including Holland's farm, thence through the Massy gap, following said lead to the Holder mountain to the Chesnut knob, thence with the Chesnut ridge to the head of the Haynes' branch, down said branch to Pigeon river, crossing said river opposite the point of the ridge east of William Haynes', and with said ridge to the top of Wolf-Pit ridge, thence with said ridge to the top of Chambers' mountain, with said mountain to the beginning.

SEC. 2. That said township shall have all the rights, **Powers.**

powers and privileges now granted to other townships by law.

Place of voting.

SEC. 3. That the permanent place of voting in said township shall be established by the board of county commissioners of said county.

SEC. 4. This act shall be in force from and after its ratification.

Ratified 4th day of March, A. D. 1879.

CHAPTER 107.

AN ACT TO AMEND SECTION TWO, CHAPTER ONE HUNDRED AND NINETY-FIVE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

The General Assembly of North Carolina do enact :

Chap. 196, sec. 2,
acts 1874-'75,
amended.

SECTION 1. That the words "not to exceed" be inserted after the word "fined" and before the words "ten dollars," in the tenth line of section two, chapter one hundred and ninety-five, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five.

SEC. 2. This act shall be in force from and after its ratification.

Ratified 4th day of March, A. D. 1879.

CHAPTER 108.

AN ACT IN REGARD TO PUBLIC WHARVES AND DEPOTS.

The General Assembly of North Carolina do enact :

Common carriers
prohibited from
making discrimi-

SECTION 1. That it shall not be lawful for any railroad or steamboat company, or owner, or other common car-

rier of passengers to make any discrimination for or ^{nations for or} against any hotel, or boarding-house-keeper, or baggage- ^{against hotels, &c.} man, by excluding them or other agents, servants or runners from any public wharf or depot, or other public place belonging to such common carrier, and to which other persons of the same description may be admitted: *Provided*, that this act shall not be construed so as to pre- ^{Proviso.} vent any common carrier of passengers from making such rules and regulations as may be proper and necessary for the comfort, safety and protection of its passengers, but such rules shall apply to all persons alike.

SEC. 2. That any railroad or steamboat company, or ^{Penalty.} owner, or other common carrier of passengers, who shall violate the foregoing section shall be liable to any party aggrieved who may sue for the same in the sum of fifty dollars liquidated damages for every such offence, which may be recovered before any justice of the peace as other civil actions.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 109.

AN ACT CONCERNING OFFICIAL BONDS TO BE GIVEN BY SHERIFFS.

The General Assembly of North Carolina do enact:

SECTION 1. That the amount of the official bonds to be given by sheriffs as now required by law shall be fixed ^{Official bonds of} and ascertained as follows: one conditioned for the collection, payment and settlement of the county, poor, school and special taxes as required by law in a sum double the amount of said taxes for the previous year; one for the ^{sheriffs.}

Proviso.

collection, payment and settlement of the public taxes, as required by law, in a sum double the amount of said taxes for the previous year: *Provided, however,* that the amount of neither of said bonds hereinbefore stated shall be required to be more than fifty thousand dollars. And the amount of the third bond, as now required by law, for the due execution and return of processes, payment of fees and moneys collected, and the faithful execution of his office as sheriff conditioned as now prescribed by law, shall be not less than five thousand dollars nor more than fifteen thousand dollars, in the discretion of the board of commissioners.

When county commissioners to require justification of bonds, &c. Notice to sheriff.

Failure of sheriff to appear or justify, &c.

Commissioners to elect another sheriff.

SEC. 2. It shall be the duty of the county commissioners whenever they shall be of opinion that the bonds of the sheriff of their county are insufficient, to notify said sheriff in writing to appear within ten days and give other and better security, or justify the sureties on his bond; and in case such sheriff shall fail to appear on notice, or fail to give sufficient bonds, or to justify his bonds, it shall be the duty of said county commissioners to elect forthwith some suitable person in the county as sheriff for the unexpired term, and who shall give proper and lawful bonds and be subject to like obligations and penalties.

SEC. 3. This act shall be in force from the date of its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 110.

AN ACT IN RELATION TO HOLDING THE COURTS OF THE SIXTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact :

**Chap. 255, sec. 6,
acts 1876-'77,
amended.**

SECTION 1. That section six of chapter two hundred and fifty-five of the laws of one thousand eight hundred

and seventy-six and one thousand eight hundred seventy-seven be and the same is hereby amended by striking out all of line four in said section and inserting in the line and instead thereof the following: Mecklenburg last Mecklenburg superior court. Monday in February and August in each year, to continue three weeks.

SEC. 2. That all summonses, subpoenas, capias and Process. all other processes of a civil or criminal nature shall be returnable in conformity to this act without any further notice.

SEC. 3. That this act shall take effect on the last Monday in August, one thousand eight hundred and seventy-nine, and be in force thereafter.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 111.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWO OF THE LAWS OF EIGHTEEN HUNDRED AND SEVENTY-SIX AND SEVEN.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and two of the laws of eighteen hundred and seventy-six and seven be repealed and the following enacted in lieu thereof: On every indictment or civil suit tried or otherwise disposed of in the superior or other courts in which trial by jury is provided for in the counties of Alleghany, Surry, Haywood, Jackson and Ashe, the party convicted or cast in the cost shall pay as a part of the cost the sum of three dollars, which amount shall be taxed by the clerk and collected by the sheriff and paid into the office of the clerk of the court in which the case was disposed of, and

Chap. 102, acts 1876-'77, amended.

Tax-fee for the payment of jurors in certain counties.

the funds thus raised shall be a fund for the payment of the jurors of said counties.

How jurors paid.

SEC. 2. That the funds raised by the first section of this act from cases disposed of at one term of the court shall be used for the payment of the jurors of the succeeding term of such court, and in case the funds thus raised shall not be sufficient to pay the jurors in full at any term of such court, then it shall be the duty of the clerk of such court to distribute said funds to the jurors entitled to the same under the provisions of this act *pro rata* according to the amount of their claims, and the unpaid portion of such claims shall remain a county charge.

Excess of fund paid to county treasurer.

SEC. 3. That in case the provisions of this act should at any time create a fund more than sufficient to pay the jurors of said counties, then the same shall be turned over by the clerk to the county treasurer or other disbursing officer, to be disbursed and accounted for as other county funds.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 112.

AN ACT TO AMEND SECTION ONE OF CHAPTER ONE HUNDRED AND FIFTY-TWO OF LAWS OF EIGHTEEN SEVENTY-ONE AND EIGHTEEN SEVENTY-TWO, RELATING TO DESTRUCTION OF FISH IN BLACK RIVER AND SIX RUNS, IN SAMPSON AND OTHER COUNTIES.

The General Assembly of North Carolina do enact :

Chap. 152, acts 1871-'72, amended.

SECTION 1. That section one of chapter one hundred and fifty-two of laws of one thousand eight hundred and seventy-one and one thousand eight hundred and sev-

enty-two be amended by striking out the word seines in the third line of said section.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 113.

AN ACT TO AID IN THE CONSTRUCTION OF THE WINSTON, SALEM AND MOORESVILLE RAILROAD.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of aiding in the construction of the Winston, Salem and Mooresville Railroad, the following named counties, towns, and townships are authorized in the manner hereinafter provided to subscribe not exceeding the sums herein named to the capital stock of said railroad company, to-wit: Davie county not exceeding the sum of fifty thousand dollars; the town of Mocksville not exceeding the sum of ten thousand dollars; the township of Mocksville not exceeding the sum of fifteen thousand dollars; the township of Farmington not exceeding the sum of fifteen thousand dollars; the township of Jerusalem not exceeding the sum of ten thousand dollars; Coddle Creek township, in Iredell county, not exceeding the sum of twenty thousand dollars; the townships of Mount Ulla and Scotch Irish, in Rowan county, not exceeding the sums of fifteen thousand dollars each; the townships of Forbush and Little Yadkin, in Yadkin county, not exceeding the sums of ten thousand dollars each, and the township of Lewisville, in Forsythe county, not exceeding the sum of ten thousand dollars.

Certain subscriptions to capital stock authorized.

SEC. 2. That no such county, town or township shall

Popular vote necessary. be authorized to make any such subscription unless by a vote of a majority of all the voters entitled to vote therein, as hereinafter provided.

Certain townships incorporated. **SEC. 3.** The several townships herein mentioned are created municipal corporations and bodies politic and corporate, and by their respective township names may sue and be sued, implead and be impleaded, may have and use a corporate seal, and do all such other acts usually pertaining to municipal corporations, and the justices of the peace for each of said townships shall be the board of trustees of each township respectively.

Powers.

Election in Davie county. **SEC. 4.** Upon the written request of one-fifth of all the qualified voters in Davie county, the board of commissioners of said county are authorized and commanded to cause an election to be held at the several precincts in said county for the purpose of submitting to the qualified voters thereof the question of subscribing to the capital stock of said railroad company a sum not exceeding fifty thousand dollars, the exact amount of said subscription to be determined by the wishes of those signing the written request or petition above mentioned.

Duty of commissioners.

SEC. 5. If a majority of all the qualified voters of Davie county at said election shall vote for "subscription," then the said commissioners shall subscribe the sum so voted to the capital stock of said company, and shall pay said subscription to said company in such manner as said commissioners shall believe to be best to promote and advance the construction and completion of said railroad.

Power to issue bonds.

Description of bonds.

SEC. 6. In payment of said subscription the commissioners of Davie county shall issue bonds in the name of said county, in sums of one hundred dollars and in multiples thereof to one thousand dollars, running not exceeding twenty years from date, and bearing interest at a rate not exceeding seven per cent., payable semi-annually, evidenced by coupons on said bonds.

Power to levy tax.

SEC. 7. To provide for the interest on said bonds and their redemption at maturity, the board of commission-

ers of said county shall, in addition to the other taxes in each year, compute and levy upon all the property in said county a sufficient tax to pay said interest and to provide a sinking fund equal to five per centum of the original principal of said bonds, which amount shall be annually paid over to the county treasurer and invested by him in said bonds at par; and the amount of taxes collected for interest shall be paid to said county treasurer and used by him in the prompt and regular payment of the coupons upon said bonds.

Sinking fund.

SEC. 8. The capital stock held by said county in said railroad company shall be pledged for the redemption of said bonds at maturity, and all dividends declared upon such stock shall be faithfully applied to the payment of the coupons on said bonds, and shall be paid by said company directly to said county treasurer, and by him used for such purposes and no other.

Capital stock of county pledged for redemption of bonds.

SEC. 9. Said coupons shall be receivable in payment of all taxes due to the county of Davie.

Coupons receivable for county taxes.

SEC. 10. Upon the written request or petition of one-fifth of all the qualified voters of the town of Mocksville, the municipal authorities of said town are authorized and directed to cause an election to be held in said town for the purpose of submitting to the qualified voters thereof the question of subscribing to the capital stock of said railroad company a sum not exceeding ten thousand dollars, the exact amount to be determined by the wishes of those signing the written request or petition above mentioned.

Election in town of Mocksville.

SEC. 11. If a majority of all the qualified voters of said town at said election shall vote for "subscription," then the municipal authorities of said town shall subscribe the sum so voted to the capital stock of said company, and shall pay said subscription to said company in such manner as said municipal authorities shall believe to be best to promote and advance the construction and completion of said railroad.

Duty of municipal authorities.

Power to issue bonds and levy tax.

SEC. 12. In payment of said subscription the said town shall issue bonds and levy taxes to provide for the payment of the coupons and a sinking fund in the same way as hereinbefore authorized to be done by Davie county.

Election in certain townships in Davie county.

SEC. 13. Upon the written request of one-fifth of all the qualified voters of each of the townships of Mocksville, Farmington and Jerusalem, the commissioners of Davie county are authorized and directed to cause an election to be held in said townships for the purpose of submitting to the qualified voters of each township separately the question of subscribing to the capital stock of said railroad company a sum not exceeding the amounts hereinbefore authorized to be so subscribed by each township respectively, the exact amount of each township subscription to be determined by the wishes of those signing the written request as aforesaid. But this section shall not be in force if the county of Davie shall make the subscription hereinbefore authorized.

This section not in force if subscription ordered in Davie county.

Duty of county commissioners.

SEC. 14. If a majority of all the qualified voters of either of said townships shall at said election vote for "subscription," then the said county commissioners on behalf of such township shall subscribe the sum so voted to the capital stock of said company, and shall pay said subscription to said company in such manner as the said commissioners on consultation with the justices of the peace of said township shall believe to be best to promote and advance the construction and completion of said railroad.

Power to issue bonds.

SEC. 15. In payment of said subscription the said commissioners shall issue bonds and levy taxes on all the property of said township to provide for the payment of the coupons and a sinking fund in the same way as hereinbefore authorized to be done by said county of Davie.

Election in Forbush and Little Yadkin townships in Yadkin county.

SEC. 16. Upon the written request of one-fifth of all the qualified voters of each of the townships of Forbush and Little Yadkin the commissioners of Yadkin county are

authorized and directed to cause an election to be held in said townships for the purpose of submitting to the qualified voters of each township separately the question of subscribing to the capital stock of said company a sum not exceeding the amount hereinbefore authorized to be so subscribed by each township, the exact amount of each township subscription to be determined by the wishes of those signing the said written request.

SEC. 17. If a majority of all the qualified voters of either of said townships shall at said election vote for "subscription," then the said county commissioners on behalf of such township shall subscribe the sum so voted to the capital stock of said company, and shall pay said subscription to said company in such manner as the said commissioners on consultation with the justices of the peace of said township shall believe to be best to promote and advance the construction and completion of said railroad.

Duty of county commissioners.

SEC. 18. In payment of said subscription the said commissioners shall issue bonds and levy taxes on all the property of said township to provide for the payment of the coupons and a sinking fund in the same way as hereinbefore authorized to be done by the county of Davie.

Power to issue bonds.

SEC. 19. Upon the written request of all [one-fifth] the qualified voters of Lewisville township the commissioners of Forsythe county are authorized and directed to cause an election to be held in said township for the purpose of submitting to the qualified voters thereof the question of subscribing to the capital stock of said company a sum not exceeding ten thousand dollars, the exact amount to be determined by the wishes of those signing the said written request.

Election in Lewisville township in Forsythe county.

SEC. 20. If a majority of all the qualified voters of said township shall vote for "subscription," then the commissioners of Forsythe county on behalf of said township shall subscribe the sum so voted to the capital stock of

Duty of county commissioners.

said company in such manner as said commissioners on consultation with the justices of the peace of said township shall believe to be best to promote and advance the construction and completion of said railroad.

Power to issue bonds.

SEC. 21. In payment of said subscription the said commissioners shall issue bonds and levy taxes on all the property of said township to provide for the payment of the coupons and a sinking fund in the same way as hereinbefore authorized for Davie county.

Election in Mt. Ella and Scotch-Irish townships in Rowan county.

SEC. 22. Upon the written request of one-fifth of all the qualified voters of Mount Ulla and Scotch Irish townships the commissioners of Rowan county are authorized and directed to cause an election to be held in said townships for the purpose of submitting to the qualified voters of each township separately the question of subscribing to the capital stock of said company a sum not exceeding the amounts hereinbefore authorized to be so subscribed by each township, the exact amount of each township subscription to be determined by the wishes of those signing the said written request.

Duty of county commissioners.

SEC. 23. If a majority of all the qualified voters of either of said townships shall at said election vote for "subscription," then the county commissioners of Rowan county on behalf of such township shall subscribe the sum so voted to the capital stock of said company in such manner as the said commissioners on consultation with the justices of the peace of said township shall believe to be best to promote and advance the construction and completion of said railroad.

Power to issue bonds.

SEC. 24. In payment of said subscription the said commissioners shall issue bonds and levy taxes on all the property in said township to provide for the payment of the coupons and a sinking fund in the same way as hereinbefore authorized to be done by the county of Davie.

Election in Coddle Creek township in Iredell county.

SEC. 25. Upon the written request of one-fifth of all the voters of Coddle Creek township, the board of commissioners of Iredell county are authorized and directed to

cause an election to be held in said township for the purpose of submitting to the qualified voters thereof the question of subscribing to the capital stock of said railroad company in a sum not exceeding twenty thousand dollars, the exact amount to be determined by the wishes of those signing the said request.

SEC. 26. If a majority of all the qualified voters of said township at said election shall vote for "subscription," then the said commissioners shall subscribe on behalf of said township the sum so voted to the capital stock of said company, in such manner as said commissioners on consultation with the justices of the peace of said township shall believe to be best to promote and advance the construction and completion of said railroad.

Duty of county commissioners.

SEC. 27. In payment of said subscription the said commissioners shall issue bonds and levy taxes upon all the property in said township to provide for the payment of the coupons and a sinking fund, in the same way as heretofore authorized to be done by the county of Davie.

Power to issue bonds.

SEC. 28. At every election herein authorized, those in favor of subscribing to the capital stock of said company shall vote a written or printed ticket "for subscription," and those opposed shall so vote "against subscription," and each election shall be advertised and held under the same rules and regulations as are provided for the election of members of the general assembly.

Elections, how conducted.

SEC. 29. The bonds so issued shall be taken by said company at par.

Bonds, to be taken at par.

SEC. 30. The board of justices of the peace for each township and their successors in office shall represent and vote said township stock at any regular or special meeting of said company.

Board of justices in each township to represent township stock.

SEC. 31. This act shall be in force from its ratification.

Ratified 5th day of March, A. D. 1879.

CHAPTER 114.

AN ACT FOR THE RELIEF OF JAMES F. SOMERS, FORMER
SHERIFF OF WILKES COUNTY.

The General Assembly of North Carolina do enact :

Relieved from pen-
alty on payment of
past-due taxes by
August 1st, 1879.

SECTION 1. That upon the payment of the taxes due from James F. Somers, ex-sheriff of Wilkes county, for the fiscal year one thousand eight hundred and seventy-seven, on or before the first day of August, one thousand eight hundred and seventy-nine, together with all costs incurred by the county of Wilkes in prosecuting suits against James F. Somers for failing to pay over said taxes when due, the said James F. Somers shall be relieved from all liabilities incurred by reason of any penalties imposed by law on sheriffs for failing to pay over taxes when due.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 115.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF SAMPSON
COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact :

Authorized to levy
special tax.

SECTION 1. That the commissioners of Sampson county be and are hereby authorized and empowered to levy a special tax at the same time with other levies upon the taxable property and polls of the county for the year one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty, said special tax to be applied to the payment of the county debt. Said special tax

shall not exceed thirty-five hundred dollars for both Limitation of tax. years, nor two thousand dollars for either of said years, and shall be collected and accounted for by the sheriff of How collected. said county or other collecting officer in the same manner and under the same penalties and within the same time as other taxes levied in said county : *Provided*, the Proviso. constitutional equation between polls and property shall be observed in the levy of said tax.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 116.

AN ACT IN RELATION TO WARRANTS ON [IN] BASTARDY.

The General Assembly of North Carolina do enact :

SECTION 1. That no justice of the peace shall issue any warrant in bastardy cases except on the voluntary affidavit and complaint of the mother of the child, or the affidavit of one of the board of county commissioners that said bastard child is a pauper and about to become chargeable to the county. When justices of the peace to issue bastardy warrant.

SEC. 2. That all laws and clauses of laws in conflict with this statute be and the same are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 117.

AN ACT SUPPLEMENTAL TO AN ACT CREATING THE STATE
BOARD OF HEALTH.North Carolina
board of health.*The General Assembly of North Carolina do enact:*

Duties of board.

SECTION 1. That the Medical Society of North Carolina shall choose from its active members, by ballot, six members, and the Governor shall appoint three other persons, (one of whom shall be a civil engineer,) and these shall constitute the North Carolina Board of Health.

Secretary to make
annual report.

SEC. 2. That the North Carolina Board of Health shall take cognizance of the health interest of the citizens of the State; shall make sanitary investigations and enquiries in respect to the people; the causes of diseases dangerous to the public health, especially epidemics; the sources of mortality; the effects of locations, employments and conditions upon public health. They shall gather such information upon all these matters for distribution among the people, with the especial purpose of informing them about preventable diseases. They shall be considered the medical advisers of the State, and are herein specially provided for, and shall advise the government in regard to the location, sanitary construction and management of all public institutions, and shall direct the attention of the State to such sanitary matters as in their judgment affect the industry, prosperity, health and lives of the citizens of the State. The secretary of the board shall make annually to the general assembly, through the governor, a report of their work for the year.

Term of office.

Vacancy.

SEC. 3. The members of the Board of Health as elected by the State Medical Society, shall be chosen to serve, two for six years, two for four years, two for two years. Those appointed by the governor shall serve two years. In case of death or resignation the board will elect new members to fill the unexpired terms.

SEC. 4. The state board shall have a president and secretary, who shall be treasurer, to be elected from the members comprising the board. The president shall serve two years, and the secretary and treasurer six years. The secretary and treasurer shall receive a year for his services, but the other members of the board shall receive no pay, except that while on actual duty at meetings of the board, or on duty during the time special investigations are being pursued, that each member shall receive \$2.00 a day and necessary traveling expenses. These sums shall be paid by the treasurer on duly authenticated requisitions signed approved by the president of the board.

Officers.

Compensation.

SEC. 5. There shall be an auxiliary board of health in each county in the State. These boards shall be composed of the physicians eligible to membership in the State Medical Society, the mayor of county town, the chairman of the county commissioners, and the city surveyor, where there is such an officer, otherwise the county surveyor. From this number one physician shall be chosen by ballot to serve two years, with the title of superintendent of health. His duties shall be to gather vital statistics upon a plan designated by the State Board of Health. He shall make the medico-legal *post-mortem* examinations for coroner's inquests, and attend prisoners in jails, poor-houses and work-houses. Their reports shall be made regularly as advised by the State board through their secretary, and they shall receive and carry out as far as practicable such work as may be directed by the State Board of Health.

County boards of health.

County superintendent of health Duties.

SEC. 6. The salary of the county superintendent of health is to be paid out of the county treasury, upon requisition and proper voucher, as follows: The salary of the superintendent of health shall not exceed the amount paid by the city or county in 1878, for services rendered by the city or county for medical services to sick in jail,

Compensation of superintendent.

work house and poor house, and medical examinations for coroner's inquests.

Organization of
state board.

SEC. 7. The organization of the North Carolina Board of Health shall be completed immediately after the passage of this act, and not later than six months after the passage of the same. The biennial meetings for the election of officers, shall, after the meeting of organization, be for the county boards on the first day of January, and of State Board of Health on the first day of the annual meeting of the medical society of North Carolina.

County superin-
tendent to make
monthly returns
of vital statistics.

SEC. 8. Monthly returns of vital statistics upon a plan to be devised by the State Board of Health, shall be made by the county superintendents, and a failure to report by the tenth of the month, for the preceding month, shall subject the delinquent superintendent to a fine of one dollar for each day of delinquency.

Penalty for fail-
ure.

Inland quarantine.

SEC. 9. Inland quarantine shall be under the control of the county superintendent of health, who, acting by the advice of the local board, shall see that diseases dangerous to the public health, viz: small pox, scarlet fever, yellow fever and cholera, shall be properly quarantined or isolated, (at the expense of the city or town in which it occurs). Any violation of the rules promulgated on this subject by the superintendent of health shall subject the offender to a fine of twenty-five hundred dollars and imprisonment for not longer than twenty days in the county jail. In case the offender be stricken with disease for which he is quarantinable, he will be subject to the penalty on recovery, without, in the opinion of the superintendent, it should be remitted. Quarantine of ports shall not be interfered with, but the officers of the local and State boards shall render all aid in their power to quarantine officers in discharge of their duties upon request of the latter.

Abatement of
nuisances.

SEC. 10. ABATEMENT OF NUISANCES.—Wherever and whenever a nuisance upon premises shall exist, which in the opinion of the county superintendent of health is

dangerous to the public health, it shall be his duty to notify the parties occupying the premises, (or the owner of the premises if not occupied), of its existence, its character, and the means of abating it, in writing. Upon this notification the parties shall proceed to abate the nuisance, but failing to do this shall pay a fine of one dollar a day dating from twenty-four hours after the notification has been served: *Provided, however,* that if the party notified shall make oath or affirmation before a magistrate of his or her inability to carry out the directions of the superintendent, it shall be done at the expense of the town or city. In the latter case the limit of the expense chargeable upon the town or city shall not be more than one hundred dollars in any case.

SEC. 11. VACCINATION.—The secretary of the state board of health shall keep a supply of fresh animal vaccine virus at his command, and he shall issue quantities, in value not to exceed one dollar for one requisition, to county superintendents in case of a threatened outbreak of small pox. The county superintendents shall vaccinate and re-vaccinate all applying for such service, free of charge, the virus for such purposes to be furnished by the secretary of the state board of health at market rates. The county superintendent shall vaccinate every person admitted into a public institution, (jail, work house, poor house, public school), as soon as practicable, without he is satisfied upon examination that the person is already successfully vaccinated. On the appearance of a case of small pox in a neighborhood, all due diligence shall be used by the superintendent that warning shall be given, and all persons not able to pay, to be vaccinated free of charge by him. The vaccine for this purpose shall be paid for by the corporation in which the superintendent serves.

SEC. 12. Bulletins of the outbreak of diseases dangerous to the public health shall be issued by the State board of health.

Duties of state board.	whenever necessary, and such advice freely disseminated to prevent and check the invasion of disease into any part of the State. It shall also be the duty of the board to enquire into any outbreak of disease, by personal visits or by any method the board shall direct. The expenses
Expenses.	[compensation] of members on such duty shall be five dollars a day, and the necessary traveling expenses.
Special meetings.	SEC. 13. Special meetings of the State board of health may be called by the president, through the secretary.
Annual meeting.	The regular annual meetings shall be held at the same time and place of the State medical society, at which time the secretary shall submit his annual report.
Chemical analysis of bodies, when and how made.	SEC. 14. When the county superintendent of health shall in the course of his investigation required at coroner's inquest, think it necessary to subserve the ends of justice that a chemical analysis of the <i>viscera</i> or fluids of the body be made, he shall carefully pack up and seal the suspected article in a proper receptacle in the presence of a witness and forward it to the chemist of the agricultural station for analysis. (Such analysis shall be made free of charge, and be returned to the coroner of the county, such analysis having precedence over other matters of investigation not of a similar character, then in the laboratory of the chemist.) Analysis for purposes connected with the hygienic duties of the superintendent of health shall in like manner be made by the said chemist, upon requisition signed and approved by the secretary of the State board of health. Such analysis will include soil, drinking water, articles of food, air, &c., to be packed for transmission by direction of the chemist of the agricultural station.
Annual appropriation of \$200.	SEC. 15. For carrying out the provisions of this act two hundred dollars is hereby annually appropriated, to be paid on requisition signed by the treasurer and president of the State board of health, and the printing and stationery necessary annually for the board be furnished
Printing, &c.	

on requisition upon the state printer. 'A yearly statement shall be made to the Legislature of all moneys received and expended in pursuance of this act. Annual statement of receipts, &c.

SEC. 16. All previous acts conflicting with this are hereby repealed upon the passage of this act.

Ratified the 14th day of March, 1879.

CHAPTER 118.

AN ACT TO PROVIDE FOR THE REPAIRING OF THE QUARANTINE HOSPITAL AT SMITHVILLE.

The General Assembly of North Carolina do enact :

SECTION 1. That Walter G. Curtis, quarantine medical officer now in charge of quarantine hospital at Smithville, North Carolina, be and he is hereby authorized to have any necessary repairing done to said hospital building, the amount not to exceed the sum of two hundred and fifty dollars, and for all expenditures made in such repair the said officer is required to deposit with the auditor a proper voucher, upon which the auditor shall issue his warrant upon the treasurer, who shall pay the same. That all bills of repairs be approved by the quarantine commission. Necessary repairs to quarantine hospital at Smithville authorized.

SEC. 2. This act shall be in force from and after its ratification.

Ratified 5th day of March, A. D. 1879.

CHAPTER 119.

AN ACT TO LAY OUT AND CONSTRUCT A PUBLIC ROAD FROM UNION CHURCH, IN ALLEGHANY COUNTY, TO BRUSH HILL, IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Public road authorized.

Route.

Survey of road in Alleghany.

Width.

Objections to survey.

Duty of commissioners if objections filed.

SECTION 1. That there shall be a public road laid out and constructed, commencing at or near Union church, in Alleghany county, running its shortest practicable route to the Air Bellows Gap in the Blue Ridge, thence with the route heretofore surveyed by Alexander Hampton to Pleasant Hill store, in Wilkes county, thence its most practicable route to intersect with the Wilkesboro road near Brush Hill.

SEC. 2. The county commissioners of the county of Alleghany shall cause a survey to be made of that portion of the road that will be situated in the county of Alleghany by three commissioners to be appointed by them. The said commissioners shall lay off said road sixteen (16) feet wide, where there is no side cutting, and twelve (12) feet wide where there is side cutting, and the grade shall not be steeper than that portion of the road in Wilkes county which has been surveyed by the said Alexander Hampton. Said commissioners after completing said survey shall report the same to the county commissioners of Alleghany county, who, upon the reception of such report, shall adjudge that a road has been laid out on said line unless objections in writing to such survey shall be laid before the said board of commissioners within thirty days after the filing of the report.

SEC. 3. If any person shall file objections to the location of the road as provided for in the second section of this act the board of commissioners shall cause their clerk to give notice of the same to the road commissioners, and by advertising the same at the court-house door and three

other public places in the vicinity where said road is to be made, and that the cause will be heard at the next meeting of the board of commissioners for said county, at which meeting they shall hear such evidence as the parties objecting to said location shall offer, as well as any evidence that may be offered to sustain the location, and if in their judgment the location should be changed they may make such order in relation thereto as they may deem just to carry out the provisions of this act requiring the location of said road, and if in their opinion the location is properly made they shall so adjudge and tax the party objecting to the location with all the cost that may have been increased in contesting the report of the commissioners.

Change of location.

If location not changed objector to pay costs.

SEC. 4. That when the report of the commissioners has been confirmed and the road adjudged to have been laid off in the said county of Alleghany, the board of commissioners of said county shall certify the same to the board of commissioners of Wilkes county.

Road to be certified to commissioners of Wilkes.

SEC. 5. It shall be the duty of the board of commissioners of Wilkes county to cause that portion of the road in Wilkes county to be surveyed in the same manner as is provided for laying off that portion in Alleghany county by the provisions of this act, and the same proceedings shall be had [had] and objections as provided for that portion situated in Alleghany county; and when it is adjudged by them that that portion of the road situated in Wilkes county has been located according to the provisions of this act, they shall certify the same to the board of commissioners in Alleghany county.

Survey of road in Wilkes.

Objections to survey.

Road to be certified to commissioners of Alleghany.

SEC. 6. That if any person through whose lands said road is located shall claim damages, it shall as [be] the duty of the commissioners appointed to lay off said road in their respective counties, to assess such damages as in their judgment they may think the party has sustained; and in estimating the damages they shall take into consideration the benefit derived by the party claiming dam-

Damages to land-owners.

ages by the building [of] said road, and such damages as they may assess shall be included in their report to the board of commissioners.

Overseers

SEC. 7. That whenever said road has been laid off according to the provisions of this act, it shall be the duty of the board of commissioners of Wilkes and Alleghany counties to appoint one or more overseers to superintend the construction of said road within their respective counties.

Work on road.

SEC. 8. That it shall be the duty of such overseers to summons all persons liable to work on public roads, who reside within two miles [in] a direct line of where said road is located to work on the same in constructing it; that the said overseers shall summon them in the same manner, and the parties so summoned shall be liable to the same pains and penalties for refusing to work as persons failing to work other public roads are by law liable: *Provided*, that the county commissioners of Alleghany county may order such overseers to summons any other hands within Alleghany county as they may deem proper, who are liable to work on public roads, to aid in the construction of said road in said Alleghany county, and when so summoned shall be liable in the same manner as provided for persons residing within two miles of said road.

Provided.**To be declared a public road.**

SEC. 9. That when said road is completed it shall be declared a public road by the commissioners of their respective counties, and shall be kept up as other public roads.

Road not to be constructed at a time when cultivation of crops will be impeded.

SEC. 10. That the overseers in the counties of Alleghany and Wilkes, as provided for in this act, shall not summons the hands placed under their control by the provisions of this act to construct said road at such times as will materially interfere with the planting, cultivating or taking care of the crops of the farmers, and said hands shall not be required to work more than thirty days in any one year.

SEC. 11. That there shall be laid out and constructed a road by the county commissioners of Alleghany and Ashe, from the mouth of King's creek, on the east side of New river, to Norther Weaver's in Alleghany county, under the same rules and regulations as provided for in [the] construction of the road in the counties of Alleghany and Wilkes by the provisions of this act.

Road from King's creek in Ashe to Norther Weaver's in Alleghany.

SEC 12. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 120.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF JOHNSTON COUNTY TO PAY THE ORDERS MADE ON THE TREASURER OF JOHNSTON COUNTY BY THE TOWNSHIP TRUSTEES IN FAVOR OF THE COMMON SCHOOL TEACHERS, PRIOR TO THE YEAR[s] ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY SEVEN.

WHEREAS, some of the township trustees in Johnston county, prior to the adoption of the school law in one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, did employ teachers to teach the common schools in their townships, and did give orders on the treasurer of Johnston county for the payment of the same, when there were no funds in hand belonging to said school districts;

Preamble:

AND WHEREAS, the state board of education, in their construction of the said school law of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, declared that no moneys arising thereunder could be used for the payment of said orders;

WHEREAS, the said orders remain unpaid and due: therefore,

The General Assembly of North Carolina do enact:

Orders to be presented for payment.

SECTION 1. The treasurer of Johnston county be and he is hereby authorized and directed, before the apportionment of the school funds for Johnston county for one thousand eight hundred and seventy-nine, to notify the parties holding school orders due before the school law of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven was enacted, to present them for payment.

A sufficient sum to be deducted from general school fund to pay orders.

SEC. 2. That the board of education for Johnston county, before making the apportionment of school funds for said county, shall deduct from the general school fund a sufficient amount to pay off and discharge said orders, with the interest thereon, and the treasurer of Johnston county is hereby directed to pay out the same upon all orders properly attested, and signed by the school committeemen of said townships, and take up said orders.

County treasurer to pay.

SEC. 3. That this act shall be in force from its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 121.

AN ACT TO ALLOW THE COUNTY OF IREDELL TO FUND HER OUTSTANDING RAILROAD BONDS.

The General Assembly of North Carolina do enact:

Preamble.

SECTION 1. That whereas the county of Iredell, in the state of North Carolina, did, on the first day of January, one thousand eight and seventy-one, issue the bonds of the said county to the amount of sixty thousand dollars

in bonds of one hundred dollars each for the purpose of paying the subscription of the said county to the capital stock of the Atlantic, Tennessee and Ohio Railroad Company, all said bonds bearing interest at the rate of eight per cent. per annum, and due and payable on the first day of January, Anno Domini one thousand eight hundred and eighty-one; and whereas, the said county of Iredell is not likely to be able to pay off and discharge the whole of said bonds by the said first day of January, Anno Domini one thousand eight hundred and eighty-one.

SEC. 2. Therefore it shall be the duty of the board of commissioners of Iredell county aforesaid at any time after the said first day of January, Anno Domini one thousand eight hundred and eighty-one, whenever the holder of any of said bonds or his agent shall present the same at the office of the register of deeds for Iredell county, and request that the same be taken up and a new bond issued therefor, to take up, cancel and destroy said bond or bonds, and issue therefor and deliver to said holder or his agent a new bond or bonds for the principal of said old bond or bonds. Said new bonds shall be in the sum of one hundred dollars each, shall be due and payable on the first day of January, Anno Domini one thousand eight hundred and ninety-one, and shall bear interest at the rate of eight per cent. per annum, [and] shall be in the same form as the said old bonds. But the said county of Iredell shall have the power and right at any time after the first day of January, Anno Domini one thousand eight hundred and eighty-six to call in and pay off and discharge any or all of said new bonds so issued, and this shall be expressed in the face of said new bonds.

SEC. 3. When the board of commissioners of Iredell county shall notify any holder of any said new bond or bonds to present them at the office of the register of deeds for Iredell county for payment on a day certain, which day shall be after the first day of January, Anno Domini one

thousand eight hundred and eighty-six, and the holder of said bond or bonds shall fail to so present the same for payment at the time and place specified in said notice, then all interest on said bond or bonds so notified to be produced for payment shall cease until said bond or bonds are produced for payment to the register of deeds of Ire-dell county.

New bonds to be
issued as dupli-
cates of old bonds.

SEC. 4. No bond shall be issued, or if issued shall be valid against the county, except such as are a duplicate of an old bond in number and value of those taken up and cancelled, and the register of deeds shall keep a record of all old bonds taken up and cancelled and of the new bonds issued in lieu thereof.

Record to be kept.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 122.

AN ACT FOR THE RELIEF OF E. EVERETT, OF SWAIN COUNTY.

The General Assembly of North Carolina do enact :

Authorized to col-
lect arrears of
taxes.

SECTION 1. That E. Everett, former sheriff of Swin [Swain] county, be and he is hereby authorized to collect arrears of taxes due him in said county for the year one thousand eight hundred and seventy-three, under such rules and regulations as are or may be prescribed by law for the collection of taxes.

Who not compella-
ble to pay.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who shall make oath before any one authorized by law to administer oaths, that he or she has paid the same or believes the same to have been paid, nor shall any executor or administrator be compelled to pay any arrears of taxes under this act.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 123.

AN ACT TO AMEND SECTION TWENTY OF CHAPTER NINETY-EIGHT OF BATTLE'S REVISAL.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty of chapter ninety-eight of Battle's Revisal be amended, so that after the word "prescribed" in the sixth line of said section there shall be added: "and the rules and regulations so prescribed shall be made from time to time as circumstances may require, by the quarantine medical officer and two physicians of skill and experience, residing in the city of Wilmington, who shall be designated by the president of the state board of health, and they shall meet annually on the first Monday in May, or as soon thereafter as practicable, and organize for the purposes before mentioned by the election of a president and secretary, and it shall be the duty of the president to call meetings whenever any special emergency shall arise requiring new quarantine rules and regulations, and of the secretary to keep a record of all such proceedings; and they shall be entitled to compensation for their services at the rate of five dollars per day and their actual travelling expenses to and from such meetings: *Provided*, said physicians shall not receive per diem for more than six days in the year, unless in case of prevailing epidemic." Chap. 98, sec. 20, Battle's Revisal, amended.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 124.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF
MADISON, CLAY AND SURRY COUNTIES TO PAY CERTAIN
CLAIMS FOR TEACHING SCHOOLS.

Preamble.

WHEREAS, in several of the townships in the counties of Madison, Clay and Surry common schools have been taught in conformity with law ; and

WHEREAS, in consequence of a deficiency in the school fund for the year in which said schools were taught, there still remains due to the teachers of said schools a portion of their compensation :

The General Assembly of North Carolina do enact :

Authorized to pay
certain sums due
teachers for past
services.

SECTION 1. That the board of commissioners of Madison, Clay and Surry counties be and they are hereby authorized to pay from the school fund of said counties for the current fiscal year any sum or sums due to persons (or their assigns or representatives) who may have taught the common schools in said counties: *Provided, however,* that any sum paid under this act shall be deducted from the portion of said school fund set apart to the township in which said schools were taught.

Proviso.

SEC. 2. That this act shall be in force from its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 125.

AN ACT TO AMEND CHAPTER NINETY-SIX, SECTION FIVE, OF LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, [ENTITLED] AN ACT TO INCORPORATE THE TOWN OF DENVER, IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact :

SECTION 1. That section five, chapter ninety-six of laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy seven, be amended by striking out all after word "Denver" in line four, to word "and" in line six, not including either word.

Chap. 96 (116), sec. 5, acts 1876-'77, amended.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 126.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FOUR OF BATTLE'S REVISAL, RELATING TO ROADS, FERRIES AND BRIDGES.

The General Assembly of North Carolina do enact :

SECTION 1. That section four of chapter one hundred and four of Battle's Revisal be stricken out and the following inserted as section four of said chapter: "That when any persons are desirous of having a public road established, they shall file an application in writing with the board of commissioners of the county within which the said road is to be located, setting forth the proposed termini of said road, and designate one person who they

Chap. 104, sec. 4, Battle's Revisal, amended.

How public road established.

may desire to act as a commissioner in locating said road ; and if the board of commissioners shall order the road to be laid, and they shall appoint one other commissioner, and direct the sheriff of said county to summon a third, all of whom shall be residents and tax-payers of the county in which said road is to be located, who shall lay off the proposed road to the greatest advantage to the inhabitants, and with as little prejudice as may be to the lands and enclosures ; which laying out, and such damages as private persons may sustain, shall be done and ascertained by the commissioners on oath and report[ed] to the board of commissioners of such county by them, and all damages by them assessed shall be deemed a county charge.

Sec. 9 amended.

SEC. 2. That section nine of said chapter be amended by striking out all after the word "road" in line eight of said section.

Sec. 12 repealed.

SEC. 3. That section twelve of said chapter be stricken out.

Sec. 35 amended.

SEC. 4. That section thirty-eight of said chapter be amended by striking out all after the word "shown" in line eleven of said act [section] down to and including the words "cart-way" in the thirteenth line of said section, and inserting in lieu thereof the following: "shall order the laying off a cart-way as provided for laying off public roads in the fourth section of this chapter."

Sec. 41 repealed.

SEC. 5. That section forty-one of said act be stricken out.

Act applicable only to certain counties.

SEC. 6. That the provisions of this act shall only apply to the counties of Alleghany, Ashe, Watauga and Ruth-erford.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 127.

AN ACT TO MAKE THE CARRYING OF CONCEALED WEAPONS
A MISDEMEANOR.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person in this state, except when upon his own premises, to carry concealed about his person any pistol, bowie-knife, dirk, dagger, slung-shot, loaded cane, brass, iron or metallic knuckles, or other deadly weapon of like kind. Unlawful to carry concealed weapons.

SEC. 2. That any person offending against section one of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned in the discretion of the court. Misdemeanor.

SEC. 3. The following persons shall be exempt from the provisions of section one of this act : officers and soldiers of the United States army, civil officers of the United States while in the discharge of their official duties, officers and soldiers of the militia of this state when called into actual service, officers of this state or of any county, city or town of this state, charged with the execution of the laws of this state, while in the discharge of his official duties. Who exempt from provisions of this act.

SEC. 4. Any person being off his own premises and having upon his person any deadly weapon described in section one, such possession shall be *prima facie* evidence of the concealment thereof. Having weapon on person prima facie evidence of concealment.

SEC. 5. This act shall go into effect on the first day of July, Anno Domini one thousand eight hundred and seventy-nine.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 128.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-ONE OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND SEVENTY-SEVEN, ENTITLED "AN ACT IN RELATION TO THE PROBATE OF DEEDS AND CONVEYANCES AND THE PRIVY EXAMINATION OF MARRIED WOMEN."

The General Assembly of North Carolina do enact :

Chap. 161, secs. 1,
2, 3 and 4 amended.

SECTION 1. That sections one, two, three and four of chapter one hundred and sixty-one of the laws of one thousand eight hundred and seventy-six and seventy-seven, be and the same are hereby amended by inserting after justice of the peace or justices (where justice in said sections refuse [refers] to justice of the peace), wheresoever and as often as the same shall occur in said sections, the words "or notary public."

Notary public,

[Sec. 2.] That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 129.

AN ACT TO PROVIDE FOR DRAINING SWAMP LANDS IN COLUMBUS AND ROBESON COUNTIES WITH CONVICT LABOR.

The General Assembly of North Carolina do enact :

Penitentiary board
to furnish convicts.

SECTION 1. That upon application of the board of commissioners of Columbus county, or Robeson county, to the penitentiary authorities controlling convicts, the said authorities shall turn over to the boards of commissioners of each of said counties, or either of them so applying,

fifty convicts each. Said convicts shall be used, worked and employed in canalling or working for the purpose of draining in said counties the swamp lands belonging in whole or in part to the state, and may be used in clearing out, cleaning, deepening and widening any streams in said counties, which may be necessary to be done for the better drainage of aforesaid swamp lands. Said convicts shall work under the direction of the boards of commissioners of their [the] respective counties making such application, or under the control and direction of such person or persons as the governor may designate, in case he should deem it proper to assume direction of the matter.

SEC. 2. That said convicts shall be transported, guarded, Convicts to be cared for at expense of state. cared for and supported at the expense of the state, under such rules and regulations as is in like cases provided for the care and support of convicts employed on public works.

SEC. 3. That in case the various laws already passed, or Pro rata distribution of convicts. which may hereafter be passed, shall provide for the distribution of a greater number of convicts than are in the state, then and in that case there shall be allotted to those entitled and make application under this act, such proportion of convicts in the state as would be a ratable share of convicts divided in *pro rata* proportion, according to the allowance made by this act, and the various laws passed, or which may hereafter be passed, giving and distributing convicts.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 130.

AN ACT TO INCORPORATE THE SIX RUNS SWAMP LAND
DRAINAGE COMPANY.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That T. R. Bryant, J. H. Darden, Calvin Daniel, J. C. Hines, J. H. Hatcher, L. C. Hubbard, G. Clute, J. A. Oates, B. L. Scott, John Ashford, Alvin Odum, James H. Pugh, R. J. Pearsall, C. F. Herring, John R. Beaman, J. I. McAlop, J. W. McAlop, Daniel Marshburn, L. A. Powell, E. L. Faison, D. S. Mathis, Ben. Mathis, P. M. Murphy, C. T. Murphy, Henry Mathis, F. M. Carroll, A. F. Johnson, William Kirby, T. M. Lee, W. S. Mathis, and all other owners of lands to be affected by the work contemplated by this act, on the Six Runs and its tributaries, in the county of Sampson, who shall voluntarily become members of the corporation herein created, he and they are hereby created and declared a corporation and body politic by the name and style of "the Six Runs Swamp Land Drainage Company," and by that name and style may sue and be sued, plead and be impleaded in any court in this state, contract and be contracted with, have succession and a common seal, own, acquire and hold real and personal property, and have power to bind the members of the same to do, abide by and perform all such matters and things in furtherance of the purposes and objects of this act as, in regular meetings by resolution duly passed and entered upon its minutes, the said corporation shall ordain and require, and shall have full power and authority to make, form and adopt all needful rules and regulations for their government and for the carrying forward, accomplishing and perfecting the objects and purposes of this act, not inconsistent with the laws and constitution of this state or of the United States.

Name.

Powers, &c.

SEC. 2. That the object and purposes of this corporation is to drain the swamp and wet lands of the said Six Runs between Hines' mill and the mouth of Cran's creek, or such other point below the mouth of Cran's creek as a majority of the members shall determine, and the swamp and wet lands of all the tributaries of the said Six Runs flowing into it between the points aforesaid, such land lying and being in the county of Sampson. And to that end the said company shall have the authority, under the provisions of this act, to cut a canal along any of said streams; to widen, deepen and straighten the present runs; to throw up dams when necessary to protect their work, not, however, ponding back the water upon any land to its damage, and to do any and all other work necessary for the complete construction of such canals.

Objects and purposes of corporation.

SEC. 3. That the officers of this company shall be a president, secretary and treasurer, and a board of twelve directors, including the president and secretary, who shall be president and secretary of such board, and shall be annually elected in regular meeting, and shall hold their offices for one year and until their successors are elected; shall receive such compensation (if any) as the company shall determine. The treasurer shall enter into bond in such penal sum as the company shall fix for the faithful holding and disbursement of the funds of the company, and for the faithful performance of all other duties of his office.

Officers.

Term.

Compensation.

Bond of treasurer.

SEC. 4. That the board of directors, as soon after the first election as practicable, shall carefully examine the proposed work, and all the lands to be affected thereby; shall determine and mark out the route and plan of the work, including the breadth, depth and slope, as near as they can calculate. They shall determine the benefits, advantages and drainages to all low or wet lands effected by it, and the actual and the entire cost of the work, the entire cost to be the actual cost, with all damages added, and what proportional of such entire cost each member

Duty of board of directors.

ought to pay, considering his benefits; they shall also determine the number of acres of swamp and wet lands owned by each to be affected by the work, and such other matters as tend to show the entire cost of the work, and here in justice and equality each of the members ought to contribute to the construction and keeping up the said works, of all which the board shall make a full report to the company in regular meeting.

To report to company.

Duty of company.

SEC. 5. That the company shall consider said report and approve the same in its original form, or modify as in their judgment shall be fair and just, and shall thereupon determine the entire capital stock which shall be equal to the entire cost of the work, and declare the amount of stock to which each member shall be entitled, which shall be equal to the amount which each ought to contribute to the work found as aforesaid. Before the shares of stock shall be thus found and declared, each member shall be entitled to one vote in all proceedings, but after this to one vote for each share of stock owned by him, ten dollars being one share.

Authority to levy and collect assessments on stock.

SEC. 6. That the company shall have power to levy and collect such sum or sums of money as shall be necessary for the construction and repairs of said work, the sum levied upon each stockholder being in proportion to his stock, and the whole amount to be raised in any one year, by any one stockholder, not to exceed forty cents per acre on the whole number of acres of swamp or wet lands owned by him and to be benefited. All levies and assessments under this section, when registered in the register's office of Sampson county, shall be a lien upon the swamp and wet lands aforesaid of the person liable for such assessment, and may be enforced in any court having jurisdiction.

Assessments when recorded in register's office to constitute liens, &c.

Authority to sue for compensation persons benefitted by canal and refusing to become members of corporation.

SEC. 7. The company shall have the right to enforce by civil action in the superior court of Sampson county the collection of a just, fair and equitable compensation for the drainage of any swamp or wet lands lying on the

stream aforesaid of any person who shall refuse or fail to become a member of said corporation, and who shall refuse to pay the same for ninety days after the canal shall have been cut through the lands of said person so refusing, and notice to and demands made of such person by the company for such compensation. At the appearance term, Reference. the court shall order a reference to three commissioners, one to be selected by each of the parties and a third by the court, or all by the court in case of neglect of either party to name one, who, after being duly sworn to do impartial justice between the parties, shall view and carefully examine the land of the defendant alledged to be benefited by the work of the plaintiff, and such work, and all matters tending to show the benefit and advantages to defendant's land, and at what cost the plaintiff has effected the same, considering which benefits and cost the commissioners shall determine the amount which the plaintiff ought to receive of the defendant. The court shall proceed to judgment according to the course of the court and the Judgment. law. All judgments under this section, duly docketed, shall be a lien upon such land of the defendant as shall Lien. have been adjudged to be benefited by the cutting of said canal.

SEC. 8. That the ownership of the shares of stock shall be indissolubly annexed to the freeholder of the land benefited of such stockholder, and so shall pass with said freehold, by descent and by purchase, into whose hands said lands shall come; and in case a part of said freehold shall pass as aforesaid, then a part of said stock, in proportion to the number of acres of land passing, shall pass and be annexed, as aforesaid, to such part. And all attempts and contrivances to convey said share otherwise than as aforesaid shall be void. Ownership of stock annexed to freehold of land.

SEC. 9. If any owner of lands to be benefited by the work Infants. herein contemplated shall be an infant, such infant shall have all the rights and privileges of a corporator under this act, so long as he or his guardian shall pay all dues

and lawful assessments made against him, the same to be exercised by his guardian. But no process shall issue to sell the land of any infant, whether such infant has become a member of this corporation or not, until such infant shall arrive at the full age of twenty-one, and for one year thereafter.

Damages to land.

SEC. 10. Any person or persons owning any land which shall be damaged by the said work, shall be entitled to prosecute an action in the superior court of Sampson county within one year from the doing or accruing of such damage. At the appearance term the court shall order a reference, as is prescribed in section seven of this act. The commissioners shall view the land of the plaintiff and examine all matters tending to show that the said land has been damaged, and make a report of all such matters, with the amount which, in their judgment, the plaintiff ought to recover. The court shall proceed to judgment according to the course of the court.

Reference.

Judgment.

State land benefited.

SEC. 11. In case any state land be drained or improved by the drainage contemplated by this act, then the said company shall have the right, by the payment of the prices for state lands at any time within one year after such drainage or improvement, to receive from the state a grant for the same.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1879.

CHAPTER 131.

AN ACT FOR THE BENEFIT OF THE WINSTON, SALEM AND
MOORESVILLE RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Directors of Penitentiary to furnish convicts.

SECTION 1. The board of directors of the penitentiary shall, on application of the chairman of the board of di-

rectors of said railroad company, or the president of said road, or an authorized agent, to employ on said road, under the direction of the authorities of said road, and under such guards as may be necessary, as many convicts as, in the opinion of the chairman of the board of directors of said railroad company or the president of said road, as may be required, not to exceed one hundred and fifty; said convicts to be governed by and according to prison rules and regulations, and under the supervision and control of a superintendent appointed by and subject to the penitentiary board: *Provided, however,* that the authorities of the road upon which said convicts may work shall pay the hire of said superintendent, and guard, feed, clothe and properly care for said convicts while employed upon said road. Proviso.

SEC. 2. The convicts obtained under this act shall be worked upon said road until the completion of the grading of said road. Convicts to be worked until road completed.

SEC. 3. That the said chairman of the board of directors of [the Winston, Salem and Mooresville] railroad company, or the president of said road, shall before receiving the same from [the superintendent] or the directors of the penitentiary aforesaid, execute a receipt, stating the names of said convicts, the county where, and the offences of which he was convicted, and the term of his sentence; and at the expiration of the sentence or the completion of the road the president of said road shall deliver the said convicts to the authorities of the penitentiary as the case may be. Receipt to be given for convicts.

SEC. 4. Nothing in this act contained shall be construed to interfere with, or take away any of the convicts assigned to any railroad in which the state has an interest. Act not to interfere with convicts assigned to roads in which state has an interest.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1879.

CHAPTER 132.

AN ACT TO AMEND SECTIONS FOUR AND SEVEN, CHAPTER THIRTY-SEVEN, BATTLE'S REVISAL, CONCERNING THE LAW OF DIVORCE.

The General Assembly of North Carolina do enact:

Chap. 37. sec. 4,
Battle's Revisal,
amended.

SECTION 1. That section four, (4) chapter thirty-seven, Battle's Revisal, be and the same is hereby amended by adding after the third sub-division thereof the words and figures following: (4.) If the wife at time of marriage be pregnant, and the husband be ignorant of the fact of such pregnancy, and be not the father of the child with which the wife was pregnant at the time of the marriage.

Sec. 7 amended.

SEC. 2. That section seven (7) of said chapter thirty-seven be amended by adding at the end of said section the words: *Provided*, that on the trial of any action for divorce on the ground of the pregnancy of the wife at the time of the marriage, either party may testify as to any facts material to such issue.

Ratified the 6th day of March, A. D. 1879.

CHAPTER 133.

AN ACT TO ALTER AND AMEND THE CHARTER OF THE SNOW HILL, GREENVILLE AND GOLDSBORO RAILROAD [COMPANY], WHICH WAS RATIFIED JANUARY TWENTY-FOURTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

The General Assembly of North Carolina do enact:

Corporate compa-
ny authorized.

SECTION 1. That for the purpose of constructing a railway of one or more tracks from the town of Goldsboro in

Wayne county, to Greenville in Pitt county, the formation of a corporate company with a capital stock of five hundred thousand dollars is hereby authorized to be called the "Goldsboro, Snow Hill and Greenville Railway Company," when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic in perpetuity, and by that name may sue and be sued, plead and be impleaded, in every court in the state of North Carolina, and may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying estate, real, personal and mixed, and acquiring the same by gift and devise; and the said company may enjoy all the rights and immunities which other corporate bodies may lawfully exercise, and make all necessary by-laws and regulations for its government not inconsistent with the constitution and laws of the state of North Carolina and of the United States.

SEC. 2. That the said company be and the same is hereby authorized to construct a railway of one or more tracks from the town of Goldsboro in Wayne county, via Snow Hill in Greene county, to Greenville in Pitt county.

Authority to construct railway.

Route.

SEC. 3. That the capital stock of said company be created by subscription on the part of individuals, municipal and other corporations, in shares of the value of twenty-five dollars each, which may be made in lands, timber, work or money, as may be stipulated.

Capital stock.

SEC. 4. The books of subscription to the capital stock of said company may be opened by the following persons, who are hereby appointed commissioners for that purpose, viz: A. J. Galloway, W. T. Dortch, L. W. Humphrey, J. A. Bonitz, W. T. Kornegay, E. B. Borden, Henry Wiel, A. D. Speight and John V. Sherrard, of Wayne county; H. H. Best, John Harvey, W. J. Jones, James P. Speight, Joseph Dixon, W. H. Dail, W. A. Darden, John Murphey and J. D. Grimsley, of Greene county; and James Joyner, James W. May, Richard Bynum, E. A.

Books of subscription.

Commissioners.

Moye, W. G. Long, Joseph L. Ballard, E. C. Yellowley, Marcellus Moore and Germain Bernard, of Pitt county, are hereby appointed commissioners, whose duty it shall be to open or direct the opening of said books of subscription at such times and places and under the direction of such persons as they or a majority of them may deem proper, and that twenty days' notice of the opening of said books shall be given in one or more newspapers of the state; and furthermore, that the said commissioners or a majority of them may at any time after said books have been kept open for the space of thirty days, and the sum of ten thousand dollars has been subscribed to the capital stock of said company and five per cent cash paid thereon, and [shall] have power to call together the subscribers to said stocks for the purpose of completing the organization of said company, and the subscribers shall be and are hereby declared incorporated into a company by the name and style of the Goldsboro, Snow Hill and Greenville Railway Company.

Meeting of stockholders.

Directors.

Proviso.

President.

Vacancies.

Directors to locate railway, &c.

SEC. 5. That said company may hold annual meetings of the stockholders, and oftener if necessary; and at its organization, and at the annual meetings subsequent thereto, five directors shall be elected by the stockholders to hold office for one year or until their successors shall be elected. Any of said meetings shall have power to make or alter the by-laws of the company: *Provided*, that in all such meetings of the stockholders a majority of all the stock subscribed shall be represented in person or by proxy, which proxy shall be verified in the manner prescribed by the by-laws of the company, and each share they represent shall be entitled to one vote on all questions; that it shall be the duty of the directors to elect one of their number as president of said company, and to fill all vacancies which may occur in said board.

SEC. 6. That after the company shall be organized as aforesaid, the board of directors shall proceed to locate and have constructed as speedily as possible on the route

they may find most practicable a railway from the town of Goldsboro via Snow Hill to Greenville, to be fixed by them; that said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce on the said railway, to be by them constructed at such charges as may be fixed by the said board of directors.

SEC. 7. That whenever lands shall be required for the location and construction of the road for warehouses, water stations, workshops or other building purposes and for any cause, and the same cannot be bought from the owners, the directors may condemn the same at a valuation to be ascertained as follows: The sheriff of the county in which the lands are situated shall at the request of the president of the company summons three disinterested freeholders of his county, who under oath to be administered by the sheriff, shall ascertain the value of the land, they first deducting the enhanced value of the said land caused by said road from such valuation, adding particular loss or damage, and upon payment or tender by the president of the amount so assessed, the title of property shall thereby vest in the said corporation: *Provided*, that not more than one hundred feet from the center of the road shall be allowed to be so condemned: *Provided further*, more may be so condemned when it may [be] necessary for warehouses and workshops and other buildings.

Power to condemn lands, &c.
Valuation.
Proviso.
Proviso.

SEC. 8. That all contracts made and entered into by the president of the company, whether with or without seal, shall be binding upon the company.

Contracts made by president binding on company.

SEC. 9. That the said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be prescribed by the by-laws of the company.

Certificates of stock.

SEC. 10. That the board of directors may call for the sum subscribed as stock in said company in such installments as the interest of said company may in their opin-

Stock subscribed, how paid.

On failure to pay,
directors author-
ized to sell stock.

ion require; the call for such payment shall be published in one or more newspapers in the state for one month before the day of payment, and on failure of any stockholder to pay each installment as thus required the directors may sell at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholder, and convey the same to purchaser at said sale; and if the said sale of stock does not produce a sum sufficient to pay off the incidental expenses of the sale and the entire amount owing by such stockholder in the company for such subscription of stock, then and in that case the whole of such balance shall be held as due at once to the company, and may be recovered of such stockholder or his executor, administrator or assigns, at the suit of said company, either by summary motion in any court of superior jurisdiction in the county where the delinquent resides, on previous notice of ten days to said subscriber, or by the action of *assumpsit* in any court of competent jurisdiction, or by warrant before a justice of the peace where the demand does not exceed two hundred dollars; and in all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on such stock both the original subscribers and the first and all subsequent assigns shall be liable to the company, and the same may be recovered as above described.

Authority to use
section of road
completed.

SEC. 11. That said company shall have the power of using any section of said road constructed by it before the whole of said road shall be completed, and may charge for transportation thereon.

Authority to issue
bonds.

SEC. 12. That for the purpose of raising money to accomplish the purposes of this act, the said Goldsboro, Snow Hill and Greenville Railway Company may make and issue its bonds to an amount not exceeding three hundred and fifty thousand dollars, bearing interest at the rate of six per cent. per annum, which bonds shall be

Bonds, how issued. signed by the president and attested by the secretary of

the said corporation, under the common seal of the same, with the usual half-yearly interest coupons annexed, the said bonds to be in sums of such denominations, the principal and interest on the same to be made due and payable at such times and places and in such manner and to be sold at such times as the board of directors may determine.

SEC. 13. That to secure payment of these bonds and the interest thereon as the same becomes due, the said Goldsboro, Snow Hill and Greenville Railway Company may execute and deliver mortgage deeds, with power of sale, to such trustee or trustees as may be selected and agreed on, the same to be signed by the president and attested by the secretary of the corporation, conveying its railway franchise and property, including its road-bed, superstructure, equipments, choses in action, evidences of debt and all its real and personal property of whatever kind; and the said deed or deeds and all other agreements the said company enter into, which by law requires registration, when duly executed may be recorded in the register's office in the county of Pitt, and its registration in that county shall be deemed effectual and sufficient registration for all purposes whatever, and shall give it priority and preference over all claims against said corporation; and it shall not be necessary to record or register the same in any other county, any law to the contrary notwithstanding.

Authority to mortgage road, &c.

SEC. 14. That said counties of Wayne, Greene and Pitt may subscribe to the capital stock of the said company to such an amount as a majority of the commissioners of the said counties respectively may determine, subject to the approval of a majority of the qualified voters of the county; and said commissioners, in order to pay the said subscription, shall have power to issue bonds bearing interest at the rate of six per cent. per annum, said bonds to be issued in such manner and form, payable at such time and place, and authenticated in such manner as they may determine.

Counties of Wayne, Greene and Pitt authorized to subscribe to capital stock.

Bonds.

Special tax.

SEC. 15. In order to pay the principal and interest on the bonds issued as aforesaid, the commissioners of the county subscribing as above mentioned, shall lay and collect annually in such manner as is directed by law in cases of taxes for other county purposes, a tax sufficient to pay the annual interest; and they may levy and collect a further tax to be issued [used] in extinguishment of the principal, or else to be invested as a sinking fund for the ultimate redemption of the principal.

Election.

SEC. 16. No subscription shall be made by the commissioners of said county as above mentioned, until the question of approval or disapproval of such subscription, the issue of the bonds and the authority to levy taxes to pay the interest and provide for the payment of the principal of the bonds, shall be submitted to the qualified voters of the county, and shall be approved by a majority of those voting. Thirty days' notice shall be given by advertisement at the court-house door, at each of said election precincts, and shall be published in some newspaper having in the opinion of the commissioners the widest circulation in the county. The advertisement shall state the amount proposed to be subscribed by the commissioners, and the amount of bonds proposed to be issued. Those approving the proposition shall deposit in the ballot-box ballots with the printed or written word "approved," those disapproving the same shall deposit ballots with the printed or written words "not approved"; and if a majority shall vote approved, they shall be deemed to ratify and approve the subscription and debt proposed to be made and the tax proposed to be levied.

Registration of
voters, &c.

SEC. 17. The commissioners of any county proposing to subscribe for the stock as aforesaid shall have authority to take all measures consistent with this act and the laws of the state for registration of voters, holding the election and returns of the result of the same; and if said subscription be approved, they shall have power to take

all measures proper for carrying the same into effect, and it shall be their duty through their chairman to make the subscription in behalf and in the name of the said county, and to execute and issue the bonds aforesaid.

SEC. 18. Any incorporated city or town in either of the said counties may subscribe to the capital stock of the said company to such an amount as the authorities of the said city or town may determine, subject to the approval of a majority of the qualified voters of the said corporations; and the said authorities shall have power to issue bonds bearing interest at the rate of six per cent. Certain cities and towns authorized to subscribe to capital stock. Bonds. per annum, said bonds to be issued in such manner and form and payable at such time and place and authenticated in such manner as they may determine.

SEC. 19. In order to pay the principal and interest of the bonds issued as aforesaid, the authorities of the city or town subscribing as aforesaid shall levy and collect annually, in such manner as is directed by law in case of taxes from [for] other corporation purposes, a tax sufficient to pay the annual interest, and they may levy and collect a further tax to be issued and [used in the] extinguishment of the principal, or else to be invested as a sinking fund for the ultimate redemption of the principal. Special tax.

SEC. 20. No subscription shall be made by the authorities of said city or town as above mentioned until the question of approval or disapproval of such subscription, the issue of bonds, and the authority to levy taxes to pay the interest and to provide for the payment of the principal of the bonds, shall be submitted to the qualified voters of said city or town, and shall be approved by a majority of those voting. The election shall be held at the usual place of voting. Thirty days' notice shall be given by advertisement at the court-house and in a newspaper having the largest circulation in such city or town. The advertisement shall state the amount proposed to be subscribed and the amount of bonds to be issued. Those approving the proposition shall deposit in the ballot box Election.

ballots with the printed or written word "approved." Those disapproving the same shall deposit ballots with printed or written words, "not approved," and if a majority of said voters shall vote "approved," they shall be deemed to ratify and approve the subscription and debt proposed to be made, and the tax proposed to be levied. If the subscription be approved as aforesaid the authorities of said city or town shall have power to take all measures proper for carrying the same into effect, and it shall be their duty through their chief officer to make the said subscription in behalf and in the name of said city or town and issue bonds accordingly as aforesaid. That all officers and employees of the company be and they are hereby exempt from serving on juries.

Misdemeanor to intrude on railway.

SEC. 22. That if any person or persons shall intrude on said railway by any manner of use thereof, or if the right and privilege connected therewith without permission or contrary to the will of said company, he, she or they may be indicted for misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction.

Wilful injury, &c., to railway, &c., an indictable offence.

SEC. 23. That if any person shall wilfully and maliciously destroy, or in any manner hurt or damage, or obstruct, or shall wilfully or maliciously cause, or aid or assist, council or advise any other person or persons to destroy, or in any manner to hurt, damage, injure or obstruct the said railway, or any bridge or vehicle use[d] for or in the transportation thereon, any water tank, warehouse or any other property of said company, such person or persons so offending shall be liable to be indicted therefor, and on conviction shall be imprisoned not more than twelve nor less than one month, and pay a fine of not more than five hundred dollars nor less than twenty dollars, at the discretion of the court before which said conviction shall take place, and shall be further liable to pay all expenses for repairing the same; and it shall not be competent for any person so

Punishment.

offending against the provisions of this clause to defend himself by pleading or giving in evidence that he was the owner of the land when such destruction, hurt or damage, injury or obstruction was done at the time the same was done or caused to be done.

Not competent to plead ownership of land in defence.

SEC. 24. That the said company may farm out or lease its rights of transportation over said railway, or merge itself with that of any connecting line upon such terms as the directors may agree upon, and such lessee or mortgagee shall have the right to operate the same, and be deemed and taken to be a common carrier.

Authority to lease, merge, &c.

SEC. 25. That as soon as the aforesaid company shall be organized and the sum of five per cent. of the capital stock paid into the treasury of said company, it shall be the duty of the president to make application to the penitentiary board for convicts to work on said road; and the board of directors of the penitentiary shall, on such application of the president of said road, employ on said railroad, under the direction of the authorities of said road and under such guards as may be necessary, as many convicts as may be required by said road, not to exceed two hundred, said convicts to be governed by and according to prison rules and regulations and under the supervision and control of a superintendent appointed by and subject to the penitentiary board: *Provided, however,* that the authorities of said road shall pay the hire of said superintendent, and guard, feed, clothe and properly care for the convicts while so employed.

Directors of penitentiary to furnish convicts.

SEC. 26. All acts in conflict with this act are hereby repealed: *Provided,* that this act shall not be construed to repeal any law now in force authorizing the farming out of convicts to any other person or corporation.

Proviso.

SEC. 27. This act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1879.

CHAPTER 134.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF
ONSLOW COUNTY TO ISSUE BONDS, AND FOR OTHER PUR-
POSES.

The General Assembly of North Carolina do enact :

Authorized to
issue bonds.

SECTION 1. That in order to liquidate the liabilities of the county of Onslow, the commissioners of said county are hereby authorized to issue coupon bonds, under the regulations hereinafter prescribed, to an amount not exceeding the sum of six thousand dollars, in denominations of twenty-five, fifty, one hundred and five hundred dollars, the said bonds bearing interest at the rate of eight per centum per annum, and bearing date the first of January in the year of their issue.

Bonds, how pay-
able.

SEC. 2. That said bonds shall be made payable as follows : one sixth of the principal on the first day of January of each year, after the year of their issue, until the whole of the said bonds shall be discharged ; and the coupons shall be so graded as to express the exact interest due each year upon the principal then due. The coupons on said bonds, after maturity, shall be received in payment for all county taxes ; said bonds and coupons shall not be deemed to be forfeited until the same shall be signed by the chairman of the board of commissioners of Onslow county and countersigned by the clerk and stamped with the official seal of said board.

Coupons receiva-
ble for county
taxes, &c.

Issuance of bonds,
&c., under control
of county commis-
sioners.

SEC. 3. The form of the bonds and coupons, the rules for the payment of the interest and principal and the cancellations of the coupons, shall be under the control of the board of commissioners, who shall prescribe proper regulations therefor.

Financial agent of
county.

SEC. 4. The board of commissioners at their first meeting after the ratification of this act, or as soon thereafter as shall be practicable, shall appoint some suitable per-

son to act as agent of the said county for the negotiation and sale of said bonds, under the control of the said board. The said agent, who shall receive such compensation as the board shall determine, shall confer with the creditors of said county, and shall ascertain and report to said board the best terms upon which the bonds authorized by this act can be exchanged for the present debt of said county, and also the price at which the new bonds can be sold for cash. The money raised shall be applied to the extinction of said county debt, or said bonds can be exchanged for said debt upon such terms as the commissioners shall determine. The bonds authorized by this act shall be issued from time to time as they shall be required, and in case of sale for cash of any of said bonds, said sale shall not be made except said bonds shall bring their face value.

Compensation.
Duties.
Bonds, when issued.
Not to be sold for less than face value.

SEC. 5. It shall be the duty of the clerk of the said board to keep an account of the bonds issued under this act, and to whom issued, and all the transactions connected therewith.

Record of bonds issued to be kept.

SEC. 6. In order to pay the interest on said bonds and one-sixth of the principal of the same each year, the board of county commissioners of said county may levy and collect a special tax not to exceed the sum of one thousand [dollars] per year.

Special tax.

SEC. 7. That no tax shall be collected under this act until the same shall have been ratified by a majority of the qualified voters of said county, voting at an election to be held under the direction of the county commissioners: *Provided*, that in levying said tax the constitutional equation between the poll and property shall be observed.

No tax to be levied until act ratified by popular vote.
Proviso.

SEC. 8. This act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1879.

CHAPTER 135.

AN ACT TO PREVENT LIVE STOCK FROM RUNNING AT LARGE
WITHIN ROWAN, DAVIE, CABARRUS AND OTHER COUNTIES.

The General Assembly of North Carolina do enact :

Unlawful for live
stock to run at
large in certain
counties upon
adoption of this
act.

SECTION 1. It shall be unlawful for any live stock to run at large within the limits of the counties of Rowan, Davie, Cabarrus, Surry, Yadkin, Chatham, Forsythe, Johnston, Davidson, Richmond, Union, Anson, Cleveland, Gaston, Caswell, Rockingham, Lincoln, Alamance, Wayne and Randolph, upon condition that the qualified voters of said counties shall adopt the provisions of this act as hereinafter provided.

Unlawful for live
stock to run at
large in a certain
portion of Rowan
county upon adop-
tion of this act.

SEC. 2. It shall be unlawful for any live stock to run at large in that portion of Rowan county within the limits of the following boundaries, to-wit: beginning at the mouth of Bear Creek, thence with the boundary line between Unity and Scotch-Irish townships to the Salisbury and Statesville public road, thence with said road to the bridge on Third Creek, thence to a point near the residence of Mrs. Hawkins, thence passing to the north of Rebecca Luckey's to a point near Renshaw's Ford, thence down the river to the beginning, upon condition that a majority of the qualified voters of said district shall adopt the provisions of this act as hereinafter provided.

Fence to be built.

SEC. 3. This act shall not be in force until a good and lawful fence has been erected within any boundaries proposed to be enclosed, with gates on all the public roads passing into and going out of any territory to be so enclosed: *Provided, however,* that the Yadkin, South Yadkin and Catawba rivers, and the Pee Dee and Rocky rivers, shall be deemed a good and lawful fence: *And provided further,* that no fence shall be required to be erected adjoining any other county, township or district which shall have adopted a similar law.

Proviso.

SEC. 4. If the owner of any land shall object to the

building of any fence herein allowed, his land, not exceeding twenty feet in width, shall be condemned for the fence-way as land is now condemned for railroad purposes by the North Carolina Railroad Company: *Provided*, that no fence shall divide a tract of land against the consent of the owner, but may follow the boundary lines thereof: *Provided further*, that where a public highway divides a tract of land the fence may follow the highway even against the consent of the owner of the land so divided.

Land of person objecting to fence to be condemned, &c.

Proviso.

Proviso.

SEC. 5. The county commissioners shall have exclusive control of erecting and repairing fences and gates herein provided for, and the appointment of such keepers of the same as they may deem proper, and they are hereby granted plenary power for that purpose, to be exercised according to their best discretion.

Fences, &c., under control of county commissioners.

SEC. 6. For the purposes of the next two preceding sections the county commissioners may levy and collect as they do other taxes a special tax upon all real property, taxable by the state and county within the county, township or district, which may adopt this act.

Special tax.

SEC. 7. Any person wilfully permitting his live stock to run at large within the limits of any territory adopting this act shall be deemed guilty of a misdemeanor, and on conviction may be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Penalty for wilfully permitting live stock to run at large.

SEC. 8. It shall be lawful for any person to take up any live stock running at large within any township or district wherein this act shall be in force and impound the same; and such impounder may demand fifty cents for each animal so taken up, and twenty-five cents for each animal for every day such stock is kept impounded, and may retain the same, with the right to use it under proper care until all legal charges for impounding said stock and for damages caused by the same are paid; said damages to be ascertained by two disinterested freeholders, to be selected by the owner and said impounder, said

Lawful to impound live stock running at large.

Fees.

Damages, how ascertained.

freeholders to select an umpire, if they cannot agree, and their decision to be final.

Owner of stock to be notified.

When stock to be sold.

Application of proceeds.

Action for damages.

Penalty for misappropriation of money by impounder.

Penalty for unlawfully receiving or releasing impounded stock.

Penalty for wilful injury to fence, &c.

SEC. 9. If the owner of said stock be known to such impounder he shall immediately inform such owner where his stock is impounded, and if said owner shall for two days after such notice wilfully refuse or neglect to redeem his stock, then the impounder, after ten days' written notice posted at three or more public places within the township where said stock is impounded, and describing the said stock and stating place, day and hour of sale, or if the owner be unknown, after twenty days' notice in the same manner, and also at the court-house door, shall sell the stock at public auction, and apply the proceeds in accordance with the next preceding and succeeding sections, and the balance he shall turn over to the owner if known; and if the owner be not known, to the county commissioners for the use of the school fund of the district wherein said stock was taken up and impounded, subject in their hands for six months to the call of the legally entitled owner.

SEC. 10. Any person who may suffer damages by reason of said stock running at large, may recover the amount of damages sustained by an action at law against the owner of said stock.

SEC. 11. Any impounder wilfully misappropriating money that he may receive under this act, or in any manner wilfully violating any of its provisions, shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 12. Any person unlawfully receiving or releasing any impounded stock, or unlawfully attempting to do so, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 13. Any person wilfully tearing down, or in any manner breaking a fence or gate, or leaving open a gate

established or erected pursuant to this act, or wilfully breaking any enclosure within any township where this act is in force, and wherein any stock is confined, so that the same may escape therefrom, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 14. The word "stock" in this act shall be construed to mean horses, mules, colts, cows, calves, sheep, goats, jennets, and all neat cattle and swine. Definition of word "stock."

SEC. 15. That any citizen is authorized to build any portion of the public fence, or any gate across any public highway that may be on his land at his own expense, and any person who shall wilfully impair or destroy any fence, or gate on the line of any fence provided for in this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Land owner authorized to build fence, &c., on his own land. Wilful injury to fence, &c. Misdemeanor.

SEC. 16. Any person, or any number of persons, owning land in a township which shall not adopt this act, or adjoining any county or township where a stock law prevails, may have his or their lands enclosed within any fence built in pursuance of this act, or of any other act of the general assembly authorizing a "stock law." And the county commissioners shall proceed in the erection of gates, and in all other respects as if the fence followed township boundaries. All such adjacent lands when so enclosed shall be subject to all the provisions of law with respect to live stock running at large within the original district so enclosed, as if it were a part of the township, county or district with which it is hereby authorized to be enclosed. Any number of land-owners within the counties herein mentioned, whose lands are contiguous, may at any time build a common fence around all their lands, with gates across all public highways, and it shall be unlawful for any live stock to run at large Land in township not adopting law, adjoining township adopting law, how enclosed. Fence around contiguous lands.

within any such enclosure, subject to all the pains and penalties prescribed in this act.

Election in Rowan,
Davie and Cabarrus.

SEC. 17. The commissioners of the counties of Rowan, Davie and Cabarrus shall order an election to be held at the several voting precincts within each of said counties on the first Thursday in August, in the year of our Lord one thousand eight hundred and seventy-nine, after giving thirty days' notice of said election at three or more public places in each voting precinct. At which election each qualified voter shall be entitled to vote a written or printed ticket with the words "stock law" or "no stock law" upon it; and if a majority of the votes cast at said election in either of said counties shall be for the "stock law," then the provisions of this act shall be in full force and effect in the counties so having voted.

When and where
"stock law" to be
in force.

SEC. 18. If at said election a majority of the votes in either county shall be cast for the "no stock law," then the "stock law" contemplated by this act shall not be in force in such county as a whole, but shall extend to each of those townships wherein a majority of the votes cast at said election shall have been for the "stock law," and it shall also be in force within the limits of the district described in section two of this act, if a majority of those voting at said election living within the limits of said district shall have so voted in favor of said "stock law."

Election in certain
counties.

SEC. 19. Upon the written application of one-fifth of the qualified voters of any county herein mentioned made to the county commissioners thereof, at any time hereafter, it shall be the duty of said commissioners from time to time to submit the question of said "stock law" or "no stock law" to the qualified voters of said county. Any if at any such election a majority of the votes cast shall be in favor of said stock law, then the provisions of this act shall be in force over the whole of said county: *Provided, however,* that no such election shall be held in any county as a whole oftener than one time in any one year. And if at any such election a majority of the votes

Proviso.

cast in any township shall be for the "stock law," then the provisions of this act shall be in force in every such township.

SEC. 20. Should any one of the townships in either of said Township election. counties at the first election to be held hereafter fail to adopt the provisions of this act, or if no election shall be held in a county, then upon the written application of one-fifth of the qualified voters in any township made to the commissioners of the county wherein said township is situated at any time hereafter, it shall be the duty of said commissioners to submit the question of said "stock law" or "no stock law" to the qualified voters of said township. And if at any such township election a majority of the votes cast shall be in favor of said "stock law," then the provisions of this act shall be in force in said township: *Provided*, that no such township election shall be held oftener than once in any one year.

SEC. 21. Every election held under this act shall be con- Elections, how conducted. ducted under the same rules and regulations and according to the same penalties provided by law for the election of members of the general assembly.

SEC. 22. Any county commissioners who shall refuse County commissioners refusing to obey provisions of this act. in any respect to obey the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction Misdemeanor. shall be fined or imprisoned at the discretion of the court: *Provided*, that the provisions of this act shall not be construed to apply to persons driving stock to market.

SEC. 23. This act shall be in force from its ratification.
Ratified the 7th day of March, A. D. 1879.

CHAPTER 136.

AN ACT TO AUTHORIZE THE EMPLOYMENT OF CONVICT
LABOR TO CONSTRUCT THE WILSON AND TAR RIVER
NARROW-GUAGE RAILROAD.*The General Assembly of North Carolina do enact :*Directors of peni-
tentiary to furnish
convicts.

SECTION 1. That for the purpose of constructing the Wilson and Tar River Narrow-Gauge Railroad, the board of directors of the penitentiary shall from time to time send to the president or other authorized agent of said road, such a number of convicts (who have not been farmed out to other roads or retained in the penitentiary by law,) as the authorities of said road may make application for: *Provided*, that the number shall at no time exceed two hundred.

Proviso.

Control of con-
victs.

SEC. 2. That said convicts shall be governed by and according to the rules and regulations established by the penitentiary board, and shall be under the supervision and control of a superintendent and guard appointed by the penitentiary board, and to be paid by the state: *Provided*, that the authorities of said road shall furnish the necessary tools, and shall feed and clothe said convicts and provide for them a comfortable stockade or barracks while employed upon the road; *And provided further*, that said railroad company shall pay such sum for the labor of said convicts as may be agreed upon by said railroad company and the penitentiary [board.]

Proviso.

Proviso.

Certain prisoners
in certain counties
to be worked on
road.

SEC. 3. That the sheriff and jailors of the counties of Wilson, Edgecombe, Greene, Pitt, Beaufort and Hyde, on application of the president or agent of said road, shall deliver to him (and obtain a receipt therefor) all persons convicted in the inferior or superior courts of said counties of any criminal offence, who may be sentenced to imprisonment in the jails of said counties, to be worked on said road under the rules herein provided, until the same

shall be completed, or the terms of imprisonment expire.

SEC. 4. That the number of convicts assigned directly from the courts, as provided in the preceding section, shall be in addition to the number to be furnished as provided in the first section of this act, and shall be worked and controlled in the same manner as the convicts sent directly from the penitentiary.

Prisoners furnished to be in addition to convicts received.

SEC. 5. That the effect of this act shall not be to reduce the force of convicts employed on the Western North Carolina Railroad below the number now at work on said road.

Convicts on W. N. C. R. R. not to be reduced.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1879.

CHAPTER 137.

AN ACT SUPPLEMENTARY TO AN ACT AUTHORIZING THE WORKING OF CONVICTS ON THE ORE KNOB AND MOUNT AIRY NARROW GAUGE RAILROAD, AND THE CHESTER AND LENOIR, AND THE CALDWELL AND WATAUGA NARROW GAUGE RAILROAD, AND THE WINSTON, MOORESVILLE AND SALEM RAILROAD, AND THE STATESVILLE AIR-LINE RAILROAD COMPANY, AND AUTHORIZING THE TRANSFER OF CONVICTS FROM ONE OF SAID RAILROAD COMPANIES TO THE OTHER.

The General Assembly of North Carolina do enact :

SECTION 1. That the president and directors of the Chester and Lenoir, and the Caldwell and Watauga Narrow Gauge Railroad Companies, the Winston, Mooresville and Salem Railroad, and the Statesville Air-Line Railroad Company, may, whenever they may find it to be to their

Transfer of convicts authorized.

interest to do so, turn over all the convicts assigned to said railroad companies to one another for such time as may be agreed upon by the president and directors of said railroad companies, to be worked under the same rules, regulations and provisions as to the government, feeding, guarding, clothing, &c., as by law the convicts assigned to be worked on the Ore Knob and Mount Airy Narrow Gauge Railroad and the other companies are to be worked.

Transfer of convicts authorized.

SEC. 2. That the president and directors of the Ore Knob and Mount Airy Narrow Gauge Railroad Company and each of the other companies may in the same manner as provided for the transfer of convicts in section first of this act, transfer the convicts assigned by law to the Ore Knob and Mount Airy Narrow Gauge Railroad to the Chester and Lenoir and the Caldwell and Watauga Narrow Gauge Railroad Companies, or either of them, and all the convicts worked on the said Chester and Lenoir, or the Caldwell and Watauga Narrow Gauge Railroads, shall be worked upon the same terms and under the same rules, regulations and provisions as to the feeding, guarding, clothing, &c., as by law is provided for the working of convicts on the Ore Knob and Mount Airy Narrow Gauge Railroad.

Transfer of convicts authorized.

SEC. 3. The Chester and Lenoir and the Caldwell and Watauga Railroad, and the Ore Knob and Mount Airy Railroad, or either of them, may turn over the convicts hereby or heretofore granted to any or all of said roads, to the Cape Fear and Yadkin Valley Railroad, to be worked by said Cape Fear and Yadkin Valley Railroad under the same regulations and conditions as the convicts heretofore granted to the said Cape Fear and Yadkin Valley Railroad.

SEC. 4. All laws and clauses of laws coming in conflict with this act be and the same is hereby repealed.

Ratified the 7th day of March, A. D. 1879.

CHAPTER 138.

AN ACT TO ADJUST AND RENEW A PORTION OF THE STATE
DEBT.*The General Assembly of North Carolina do enact:*

SECTION 1. That in order to renew and adjust a portion of the state debt incurred to aid in the construction of the North Carolina Railroad, and obtain an extension of time of paying the same and reduce the rate of interest thereon, the governor of the state is hereby authorized to appoint three commissioners for the purpose of negotiating with the holders of the said bonds and contracting with them for a renewal of the said debt on terms which may be advantageous to the state and which are approved of by the governor and public treasurer.

Governor authorized to appoint commissioners to negotiate with the holders of the construction bonds of the N. C. R. R.

Terms to be approved by governor and treasurer.

SEC. 2. The said commissioners shall be and they are hereby authorized, with the advice and consent of said governor and public treasurer, to contract and agree with holders of said old bonds for the renewal of the same with new bonds, to be issued under the provisions of this act, upon such terms as may be agreed on by and between the said commissioners and the holders of said bonds.

Commissioners authorized (with consent of governor and treasurer) to contract for renewal of old bonds.

SEC. 3. The said commissioners shall issue to each and every person delivering to them such old bonds in accordance with the terms of renewal which may be agreed on, a certificate which shall state the date, amount and number of the bonds and coupons delivered to them by each person, and number and amount of the new bonds which such person may be entitled to receive in renewal thereof. They shall file a copy of said certificate with the public treasurer immediately after the issue thereof.

Commissioners to issue certificates to persons surrendering bonds.

SEC. 4. The said commissioners, with the advice and consent of the governor and public treasurer, shall have power to sell said new bonds at par and invest the proceeds in purchase of old bonds.

Commissioners empowered to sell new bonds and invest proceeds in purchase of old bonds.

Proviso.

ceeds thereof in the purchase of the said old bonds: *Provided*, that no sale of such new bonds shall be made by said commissioners unless the proceeds thereof can be immediately invested in the purchase of said old bonds at a rate not greater than that at which they are being exchanged for new bonds, and not more than fifty thousand dollars of said bonds shall be sold at the same time, nor shall a future sale of bonds be made until the proceeds of previous sales have been invested in the purchase of bonds as aforesaid. Upon the sale of such bonds the commissioners shall issue a certificate to the purchaser thereof, stating the number and amount of such bonds to which such purchaser is entitled.

**Public treasurer to
issue new bonds
upon presentation
of certificates.**

SEC. 5. Upon presentation of said certificate to the public treasurer he shall deliver to the owner thereof the number and amount of state bonds to which he may be entitled according to said certificate, and for the purpose of effecting the renewal of said bonds and carrying out the purpose of this act, the public treasurer is hereby authorized and directed to issue bonds of the state, payable forty years (40) from the first day of April, Anno Domini one thousand eight hundred and seventy-nine, bearing interest from the first day of April, one thousand eight hundred and seventy-nine, at such rate as may be agreed upon, not to exceed six per cent. per annum, payable semi-annually on the first day of April and October of each and every year until the principal shall be due.

**Description of
bonds.**

**To be coupon
bonds.
Denominations.**

How signed.

Coupons.

SEC. 6. The said bonds shall be coupon bonds of the denomination of fifty, one hundred, five hundred and one thousand dollars each, and shall be signed by the governor and public treasurer, and shall be sealed with the great seal of the state; the coupons thereon may be signed by [the] treasurer alone, or have a *fac simile* of his signature printed, engraved or lithographed thereon, and the said bonds and coupons shall in all other respects be in such form as the treasurer may direct, and shall express on their face that they are issued in renewal of said bonds;

and the coupons thereon shall after maturity be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the state, of every kind whatsoever, which shall be expressed on the face thereof.

Coupons receivable in payment of taxes, &c.

SEC 7. The public treasurer, before delivering any of said bonds under the provisions of this act, shall record in a well bound book an accurate account and descriptive list of the said bonds, which shall embrace the date, amount and number thereof, and the name of the person to whom issued, and shall receive and cancel the certificate issued by said commissioners on which such bonds are issued by him; but no bonds shall be issued by the public treasurer but in execution of the provisions of this act.

Treasurer to keep account and descriptive list of bonds.

To cancel certificates.

SEC. 8. The said new bonds and coupons shall be exempt from all taxation whatsoever, state, county and municipal, general and special, and the same shall be expressed on the face thereof; and shall in all respects stand in the place of and be entitled to the same securities as are the old bonds and coupons aforesaid, and shall have the same lien on the stock of the state in the said railroad company which the said old bonds and coupons now have; and the public treasurer shall apply the dividends received by the state on its stock in said company to the payment of the coupons on said new bonds.

Bonds exempt from taxation.

To stand in place of old bonds.

To have same lien on state stock in N. O. R. R. as old bonds.

Dividends on stock to be applied in payment of coupons.

SEC. 9. It shall be lawful for any executor, administrator, guardian, trustee, and all persons acting in a fiduciary character, holding any of the bonds hereby authorized to be exchanged, to make the exchange provided for in this act for the bonds herein authorized to be issued; and they shall be absolved from liability or responsibility to any person having any interest in such bonds on account of such transfer and exchange; and they shall have the power to invest any trust fund held by them in the bonds authorized to be issued by this act, and the same shall be taken and regarded in all the courts of this state as a good, legal and valid investment of such trust funds by such fiduciary.

Executors, &c., authorized to exchange bonds as provided in this act.

Empowered to invest trust funds in new bonds.

Commissioners to hold old bonds in trust for payment of new bonds.
To collect dividends, &c.

Amounts received to be paid to treasurer and applied to payment of interest on new bonds.

When and how old bonds to be cancelled.

Commissioners to give bond, &c.

Compensation.

Vacancy.

SEC. 10. The said commissioners shall hold all the bonds and coupons delivered to or purchased by them in trust for the payment of the principal and interest on the said new bonds, and shall collect and receive all payments and dividends paid and made on said old bonds and coupons so held by them from any person authorized to pay the same; and said commissioners shall pay the amounts thus received to the public treasurer, and they shall be applied by him to the payment of the interest on the new bonds issued in pursuance of this act. The said old bonds shall not be cancelled, but shall remain in force until the governor shall direct the same to be delivered to the public treasurer for cancellation, at which time the said bonds shall be cancelled by the public treasurer in the presence of the governor; and they shall certify under their hands the number, amount and date of bonds and coupons cancelled by them, which certificate shall be safely kept in the office of the public treasurer.

SEC. 11. The commissioners hereby authorized to be appointed shall enter into bonds, payable to the state, in the penal sum of fifty thousand dollars, with good security, to be accepted by the public treasurer, and conditioned for the faithful performance of their duties, and shall receive as compensation for their services a commission of one-half of one per cent. on the amount of all bonds purchased by them, to be paid by the person or persons from whom the same may be purchased, and shall in no case receive any compensation from the state.

SEC. 12. In case of the death, resignation or removal of the said commissioners, or either of them, the governor shall have power to appoint other persons to fill such vacancies.

SEC. 13. This act shall be in force from and after its ratification.

Ratified 14th day of March, A. D. 1879.

CHAPTER 139.

AN ACT TO REGULATE THE PRACTICE OF DENTISTRY AND TO PROTECT THE PEOPLE AGAINST QUACKERY IN RELATION THERETO IN THE STATE OF NORTH CAROLINA, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE SAME.

The General Assembly of North Carolina do enact :

SECTION 1. That from and after the ratification of this act it shall be unlawful for any person except regularly authorized physicians and surgeons to commence the practice of dentistry in the state of North Carolina, unless said person has graduated and received a diploma from the faculty of a reputable institution where this specialty is taught, and chartered under the authority of some one of the United States, or of a foreign government acknowledged as such, or shall have obtained a certificate from a board of examiners duly appointed and authorized by the provisions of this act to issue such certificate.

Who entitled to commence the practice of dentistry in this state.

SEC. 2. That the said board of examiners hereinbefore provided for shall consist of six members of the North Carolina Dental Society, to be elected by the said society at its next annual meeting and shall hold office as follows: Two for one year, two for two years, and two for three years, or until their successors are elected. The said board shall also have power to fill all vacancies for unexpired terms, and they shall be responsible to said state dental society for their acts.

Board of examiners.

Vacancies.

SEC. 3. That the board of examiners shall meet annually at the time and place of the meeting of the North Carolina Dental Society, and at such other times and places as the said board or any four members thereof shall agree upon, to conduct the examination of applicants, thirty days' notice of said meeting being given

Meetings of board.

by advertising in at least three newspapers published in this state.

Board to grant certificates, &c.

SEC. 4. The said board shall grant a certificate of proficiency in the knowledge and practice of denistry to all applicants who shall undergo a satisfactory examination, and who shall receive a majority of votes of said board upon such proficiency, which certificate shall be signed by the members of the board conducting said examination, and shall bear the seal of the said North Carolina Dental Society: *Provided*, that any person wishing to engage in the practice of denistry at any time prior to the regular meeting of said board may be examined by any one member of said board, and if competent may receive a temporary certificate, which shall be in force only until the next regular meeting, and no member of said board shall grant a temporary certificate a second time to the same person.

Proviso.

Board to keep record of persons to whom certificates granted.

SEC. 5. That said board shall keep a book in which shall be entered the names and proficiency of all persons to whom certificates shall be granted under the provision of this act, and the date of granting said certificate, and the book so provided for shall be deemed a book of record, and a transcript of any such entry therein, certified to under the hand of the secretary and seal of the North Carolina Dental Society, shall be admitted as evidence in any court of this state where the same shall be otherwise competent.

Evidence.

Quorum.

SEC. 6. That four members of said board shall constitute a quorum thereof for the transaction of business, and should a quorum not be present on the day appointed for the meeting of said board, those present may adjourn from day to day until a quorum is present.

Misdemeanor to practice dentistry without obtaining certificate, &c.

SEC. 7. That any person that shall practice dentistry in this state without having first stood the examination and obtained the certificate hereinbefore provided for, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined twenty-five (25) dollars: *Provided*, that any

Proviso.

person so convicted shall not be entitled to sue for or to recover any fee or charge for dental service in any court of this state, and [any] sum or sums of money paid to [a] person so convicted for dental services rendered may be recovered by the person so paying the same, or his or her legal representative: *Provided*, that no one applying for a license to practice dentistry shall be denied such license on account of race, color or previous condition of servitude.

SEC. 8. That all fines and penalties so recovered shall be appropriated to the school fund of the county in which the same shall have been recovered.

Fines appropriated to school fund.

SEC. 9. That nothing in this act shall apply to any person engaged in the practice of dentistry at the date of the ratification of the same, nor to prevent any one from extracting teeth.

Act not to apply to persons now practicing dentistry.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1879.

CHAPTER 140.

AN ACT TO AMEND SECTION THREE, CHAPTER SIXTY-ONE, [LAWS] OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

The General Assembly of North Carolina do enact:

SECTION 1. That section three, chapter sixty-one of the laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, be amended to read as follows: "That upon failure of said company to secure the right of way, and other necessary lands, timber and material for the construction and purposes of

Chap 61, sec. 6, acts 1871-'72, amended.

Power to condemn lands, &c.

Proviso.

the road by amicable concession, the land owners mentioned in section sixth of the original act shall under the provisions of said act condemn the same, taking into consideration the advantage likely to accrue to the owners of the condemned property, as provided in said act in relation to land condemned for right of way: *Provided*, that land condemned for the line of road shall not be less than fifty nor more than one hundred feet wide."

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1879.

CHAPTER 141.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-FOUR OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, ENTITLED AN ACT TO ESTABLISH COURTS INFERIOR TO THE SUPERIOR COURTS, TO BE CALLED INFERIOR COURTS.

The General Assembly of North Carolina do enact :

Chap. 154, sec. 10,
acts 1876-'77,
amended.

SECTION 1. That section ten (10) of chapter one hundred and fifty-four of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven be amended as follows:

Appeals.

Strike out all of section ten and substitute therefor as follows, so as to read: "Appeals may be taken from this court to the superior courts in term time for error assigned in matters of law in the same manner and under the same restrictions provided now by law for appeals from the superior courts of the state to the supreme court of the state, and the final decision of each superior court shall be certified to the court below, that final judgment

may be rendered. That chapter two hundred and ninety-two of laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven be and the same is hereby repealed.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1879.

CHAPTER 142.

AN ACT TO ABOLISH PRIVATE SEALS, AND TO PRESCRIBE
A SHORT FORM OF A DEED, AND FOR OTHER PURPOSES.

WHEREAS, the necessity for the use of the word "heirs" Preamble.
to carry a fee simple estate is a relic of feudalism and an
unnecessary technicality;

AND WHEREAS, the reason for using private seals has
long since ceased, and the present forms of deeds is com-
plex and lengthy, thereby unduly increasing the cost of
registration; therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That all instruments hitherto requiring a
private seal shall be as good and available in law for all
purposes as if sealed; and all instruments not requiring
an official seal shall be as valid to all intents and purposes
in law as if the same had been sealed. a Seals unnecessary
to render any in-
strument valid.

SEC. 2. That in every conveyance of real property a fee
simple shall be presumed to be transferred unless the
instrument shall expressly confer in terms a less estate. Every conveyance
of real estate pre-
sumed to be in fee,
unless a less estate
be conferred in
express terms.

SEC. 3. That the following form shall be sufficient as a
deed for real property within the meaning of this act: Short form of
deed.

Received of..... (the buyer,) dollars, in full for (describe the property).

(Dated.)

(Signed by seller.)

General warranty
presumed unless
other covenants
expressed.

SEC. 4. That such deed shall, without express words, import a general warranty, but any other covenants may be inscribed by the parties, or it may operate as a quit claim, if it shall be so expressed.

Probate fee.

SEC. 5. That the fee of the clerk for acknowledgment and probate of deeds, including the privy examination of wife, (if any) shall be ten cents, and the fee of the register of deeds shall be for registering the same twenty cents.

Registration fee.

SEC. 6. All laws in conflict with this act are hereby repealed.

SEC. 7. This act shall be in force from its passage.

Ratified the 7th day of March, A. D. 1879.

CHAPTER 143.

AN ACT TO CANAL ANGOLA BAY.

Preamble.

WHEREAS, there is a large quantity of valuable swamp land in Angola Bay, in the counties of Duplin and Pender, belonging to the state board of education, and in its present condition is not saleable, but if drained would sell for a fair price, and thus add largely to the educational fund; therefore,

The General Assembly of North Carolina do enact:

Commissioners appointed to lay off canal.

SECTION 1. That Daniel Shaw and Asa Croom, of Pender county, and William J. Boney and Edward T. Pigford, of Duplin county, be and they are hereby appointed commissioners to lay off a canal of sufficient width to drain Angola Bay, beginning at or near Croom's bridge,

Route.

in Pender county, on the east side of the North East river, and to run as near as practicable north fifty degrees east across Angola Bay to the run of Cypress creek, in Duplin county, so as to turn the waters of said creek through said canal, and also a public road of the width of other public roads bordering on or near said canal, and make report thereof to the governor.

SEC. 2. That upon application of said commissioners the penitentiary board of directors shall detail fifty convicts who are allowed by law to be farmed out to be worked upon said canal and road until completed, under the charge of sufficient guard to be selected by said board and subject to their control, and the prison rules and regulations as far as practicable, and that said convicts shall be furnished with necessary tools to construct a suitable stockade or quarters, and to work upon said canal and road, and shall be fed and clothed and transported to and from said canal and road by the said board of directors and paid for out of the funds appropriated for the penitentiary.

SEC. 3. Whenever it may be necessary in order to prevent a sacrifice of the state's interest in the process of draining as provided for in this act, the governor as president of the board of education may upon the recommendation of said commissioners exchange portions of the public swamp lands for small tracts owned by individuals, and the lands thus acquired shall be held by said board as other swamp lands.

SEC. 4. That said commissioners shall be agents for the state, and shall be required by the governor as president of said board to look after the interest of the state, and to superintend the construction of said canal and road under such rules as he may prescribe.

SEC. 5. And as a compensation for said commissioners, the governor, as president of the board of education, is hereby authorized to convey to each of them and their heirs forever, acres of land reclaimed by said canal,

to be selected by them and located in alternate sections on such part of said canal as may best promote the interest of the state: *Provided*, that each section of land shall not exceed two hundred acres.

Expenses to be paid by sale of lands, &c.

SEC. 6. That an account of the money paid by the penitentiary board in the prosecution and completion of this work shall be filed with the state treasurer, which shall be credited from time to time with the proceeds of the sale of the public lands in Angola Bay reclaimed as aforesaid, until the same is paid in full, for the benefit of the general fund. And to this end the state board of education shall have the power to sell such lands in such quantities as they think best, at a fair price, as will discharge said amount.

Board of education empowered to sell lands, &c.

SEC. 7. That all laws and clauses of laws coming in conflict with this act are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification.

. Ratified 7th day of March, A. D. 1879.

CHAPTER 144.

AN ACT TO PROVIDE FOR THE PURCHASING OF LAND SOLD UNDER EXECUTION BY THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

County commissioners authorized to purchase certain lands at execution sale.

SECTION 1. That the board of county commissioners of the several counties of the state be and they are hereby authorized to purchase lands at any execution sale, when in the opinion of the board it shall be necessary to do so to secure any debt due the county. The deed shall be made to the board of commissioners, and the said board shall have

authority to sell such land so purchased, upon such terms as to them shall seem best for the said county.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1879.

CHAPTER 145.

AN ACT TO PRESCRIBE THE MODE OF SELLING TAR.

The General Assembly of North Carolina do enact:

SECTION 1. That two hundred and eighty pounds avoirdupois weight shall be a barrel of tar. Weight of a barrel of tar.

SEC. 2. That hereafter tar shall be sold by weight at the rate of two hundred and eighty pounds to the barrel, under the same rules that apply to turpentine as to excess of weight. Tar to be sold by weight.

SEC. 3. That if any person shall sell or buy tar in any other manner than by weight, such person so offending shall pay five dollars to any person informing, to be recovered to the use of the person informing before any justice of the peace having jurisdiction of the place of contract upon written information supported by affidavit: *Provided*, it shall not apply when tar is sold in less quantity than one barrel. Penalty for selling or buying tar otherwise than by weight. Proviso.

SEC. 4. That all laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1879.

CHAPTER 146.

AN ACT TO SECURE THE BETTER DRAINAGE OF THE LOW
LANDS OF SILVER CREEK, IN THE COUNTY OF BURKE.*The General Assembly of North Carolina do enact :*

Commissioners.

To lay off Silver
Creek into sec-
tions.

Overseers.

Vacancies.

Duty of commis-
sioners.Land owners to
furnish hands and
tools.

SECTION 1. That W. B. Patton, Joseph Pool and J. C. Tate be appointed commissioners, whose duty it shall be, as soon as practicable, to lay off Silver Creek, in the county of Burke, from the mouth of said creek to McElrath's Mill Shoals on the same creek, into sections of convenient length, and to appoint one overseer for each section, who shall hold his office for a term of two years, and whoshall be a land owner in the section for which he is appointed an overseer.

SEC. 2. That a majority of said commissioners shall have power to elect one of their own number chairman, and may fill vacancies in their own number or that of overseers, and in case they shall fail or neglect to fill vacancies occasioned by death or otherwise, the board of county commissioners of said county shall, on application being made, appoint commissioners and overseers for the purpose herein mentioned.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land belonging to each land owner in Burke county on Silver Creek, between the points mentioned in section first of this act and lying within one-fourth mile of the main channel of said creek, whether said bottom land be immediately on said creek or on its tributaries running into it, and shall furnish each overseer with a copy of the estimate of his section, and said land owners, when required by the overseer of the section in which their bottoms lie, and upon a notice of five days by said overseer, shall each furnish an efficient hand with appropriate tools such as he shall be notified by the overseer to furnish for every ten acres of bottom land owned by him

and so estimated, and in that proportion for any number of acres less than ten, and on failing to do so shall forfeit and pay two dollars per day for failure on each hand, which may be recovered by said overseer by warrant as in case of failure to work on public roads. Penalty for failure.

SEC. 4. It shall be the duty of the commissioners in laying off the creek into sections as provided for in section first of this act, to distribute the labor among the land owners in proportion to the number of acres of bottom land owned by them within the estimate provided for in the last section, as equally as may be, and allot to the owner of each section the hands required of the owners of the bottom lands embraced in his section. Distribution of labor.

SEC. 5. It shall be the duty of each overseer, with the hands so provided, to work each and every year, within the bounds of their respective sections, not less than four nor more than twenty-four days, at the discretion of the commissioners, on the channel of said creek, with power to straighten the same when necessary, to remove obstructions, and to improve the banks thereof when necessary, under such directions as said commissioners may prescribe. Duty of overseers concerning work.

SEC. 6. That any person or persons who wilfully and knowingly fell timber or otherwise obstruct the waters in the channel of said creek, between said points of said boundary in said county, and shall permit the same to remain therein for the space of twenty days, shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be fined not less than five nor more than ten dollars: *Provided*, that if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offence was committed before a presentment is made of the same, he or they shall not be liable to indictment for said offence. Unlawful to fell timber, &c. Misdemeanor. Proviso.

SEC. 7. That all moneys arising from failure to work on said creek, and all penalties collected under the provis- Penalties collected, how expended.

ions of said act, shall be paid over to the overseer of the section in which it may arise, and by him shall be expended in improving the channel of said creek, and any overseer failing or neglecting to perform the duties required by this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten nor more than twenty dollars: *Provided*, that no person shall be required without his consent to serve more than one term of two years at one time.

Failure of overseer to perform duty a misdemeanor.

Proviso.

Building bridges, &c., not prohibited.

Persons not exempt from working public roads.

SEC. 8. Nothing contained in this act shall prevent the building of public bridges on public roads across said stream, or private bridges or water-gates by the land owners for their own convenience.

SEC. 9. That nothing herein contained shall be so construed as to exempt persons therein mentioned from working on public roads.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1879.

CHAPTER 147.

AN ACT TO AID IN THE EXTENSION OF THE ATLANTIC, TENNESSEE AND OHIO RAILROAD.

The General Assembly of North Carolina do enact :

Directors of penitentiary to furnish convicts.

SECTION 1. The board of directors of the penitentiary shall on application of the president of the Atlantic, Tennessee and Ohio Railroad and the Statesville Air-Line Railroad, or either of them, employ on said roads, or either of them, under the direction of the authorities of said roads, and under such guards as may be necessary, as many convicts as in the opinion of the presidents of said roads, or either of them, as may be required, not to ex-

ceed fifty on each of said roads, said convicts to be governed by and according to prison rules and regulations and under the supervision and control of the superintendent appointed by and subject to the penitentiary board: *Provided, however*, that the authorities of the road upon which said convicts may work shall pay the hire of the said superintendent, and guard, feed, clothe and properly care for the convicts while employed upon said road: *And provided further*, that nothing in this act shall be construed to authorize the reduction of the number of convicts employed, or to be employed, on the Western North Carolina Railroad below the present working force: *Provided*, that the said company shall be liable to and pay the state the same for the labor of said convicts as is paid by other railroad companies on which convicts are worked in which the state has no interest. Proviso.

SEC. 2. The Statesville Air-Line Railroad Company is hereby authorized to organize the said corporation forthwith by the action of its president and directors, any clause or provision in its charter to the contrary notwithstanding, so as to enable said corporation to obtain the benefit of this act. Statesville Air-Line R. R. incorporated.

SEC. 3. The convicts obtained under this act shall be worked in equal numbers on each line of said roads until the Atlantic, Tennessee and Ohio Railroad is completed to Taylorsville, in the county of Alexander, if the work on said [road] shall not be extended beyond that point; then in that case upon application of the president of the Statesville Air-Line Railroad. Convicts, how worked.

SEC. 4. That said president, upon demanding any of said convicts, shall before receiving the same from the sheriffs or jailors aforesaid, or the directors of the penitentiary aforesaid, execute a receipt, stating name of said convict, the county where and the offence of which he was convicted and the term of his sentence, and at the expiration of his said sentence or the completion of the road, the said president shall deliver the said convicts to Receipt to be given for convicts.

the sheriff or jailor aforesaid, or to the directors of the penitentiary, as the case may be.

County commissioners of certain counties authorized to hold election, as to county subscription to stock.

SEC. 5. That the county commissioners of any county in which said road may be constructed, a majority of said commissioners concurring, are authorized to make an order requiring the sheriff of such county at such time and on such notice as they shall direct to open a poll at the several precincts in such county and take the sense of the voters of such county qualified to vote for members of the general assembly whether the said county commissioners shall subscribe to the stock of either of said railroad companies such sum as the order shall propose, and the sheriff shall make return of the number voting for or against it to the said county commissioners.

If subscription voted, county commissioners to issue bonds.

SEC. 6. That [if] upon the return of such sheriff it shall appear that a majority of the votes cast are in favor of the subscription, then the county commissioners shall appoint their chairman to make the subscription, in behalf of such county, the subscription to be in bonds of such county, said bonds not to be for a less amount than fifty dollars nor more than five hundred dollars, bearing interest at the rate of six per cent. per annum, said bonds to run twenty years from the date of their issuing, said bonds to be signed by the chairman of the board of county commissioners and countersigned by the clerk of said board; and to provide for the payment of interest on said bonds annually, and to create a sinking fund for the payment of the principal of said bonds at maturity, the board of county commissioners for such county is hereby authorized and empowered to levy and collect as other county taxes are now levied and collected a sufficient amount for the purpose aforesaid.

Denomination.

Bonds, how issued.

Special tax.

SEC. 7. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 8. This act shall be in force from and after its ratification: *Provided*, that this act shall not be con-

strued to repeal any law now in force assigning convicts to work on internal improvements.

Ratified the 7th day of March, A. D. 1879.

CHAPTER 148.

AN ACT TO PROVIDE THAT ALL CONVEYANCES OF REAL ESTATE SHALL BE CONSTRUED TO BE IN FEE, UNLESS THE CONTRARY SHALL APPEAR FROM THE LANGUAGE OF THE INSTRUMENT.

The General Assembly of North Carolina do enact:

SECTION 1. When real estate shall be conveyed to any person the same shall be held and construed to be a conveyance in fee, whether the word "heirs" shall be used or not, unless such conveyance shall, in plain and express words show, or it shall be plainly intended by the conveyance or some part thereof, that the grantor meant to convey an estate of less dignity.

All conveyances of real estate to be construed to be in fee unless otherwise expressly set forth.

SEC. 2. This act shall be in force from its ratification.

Ratified the 7th day of March, A. D. 1879.

CHAPTER 149.

AN ACT TO AMEND AN ACT TO AMEND AND RE-ENACT AN ACT TO INCORPORATE THE FLAT SWAMP, LOCK'S CREEK AND EVAN'S CREEK CANAL COMPANY OF CUMBERLAND COUNTY, CHAPTER ONE HUNDRED AND TWENTY-NINE, ACTS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, RATIFIED THE THIRTEENTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

Preamble.

WHEREAS, The aforesaid company, in pursuance of its corporate powers heretofore granted, has cut a canal for the drainage of Flat Swamp and the lands lying on Lock's Creek and Evan's Creek, in the county of Cumberland, and in the prosecution of said work has, under the provisions of its charter, borrowed money and incurred an indebtedness which ought justly to be borne by the persons whose lands have thereby been benefited and reclaimed so as to become fit for agricultural purposes;

AND WHEREAS, it is alleged that in constructing said canal and its tributaries, the said company have damaged the lands and mill property of certain other persons owning lands and mills so situated as to be injuriously affected by diverting the waters of said swamp and creek from their natural courses;

AND WHEREAS, there is no adequate legal remedy provided by law for adjusting and equalizing the benefits and damages acquired and sustained by the persons aforesaid, or which may be acquired and sustained by the persons aforesaid, or which may be acquired or sustained during the progress of the said work in the future:

The General Assembly of North Carolina do enact:

SECTION 1. That the said corporation is hereby authorized, as soon after the passage of this act as may be prac-

Authorized to institute special proceedings, &c.

licable, to commence and prosecute in the superior court of Cumberland county a special proceeding for the purpose of adjusting and equalizing the benefits accrued or accruing to the persons owning lands so situated as to be enhanced in value by reason of the work done, or to be done by said corporation, in pursuance of its chartered privileges.

SEC. 2. The said corporation shall set forth in the complaint to be filed in said proceeding, under the oath of its president, or other proper officer :

What complaint to set forth.

1. The amount of expenses already incurred in the construction of said canal.

2. The estimated costs and expenses of completing the work and keeping the same in repair for a reasonable time.

3. The names of the persons owning lands so situated as to be enhanced in value by the construction of said canal and its tributaries.

4. The number of acres of land owned by each of said parties so affected.

5. Such other facts as may be material in equalizing and adjusting the burdens provided for in this act. And a copy of said complaint shall be served with the summons upon each of the parties owning lands as aforesaid, or their agents, in the manner prescribed by law for the service of process in other special proceedings.

Copy of complaint to be served with summons.

SEC. 3. After all the parties interested, or their heirs, their agents or legal representatives, shall have been notified at least ten (10) days, the said court shall appoint five (5) disinterested freeholders as commissioners who, after being duly sworn, shall view the lands already enhanced in value or to be increased in value by said canal or its tributaries, and also all lands or mills which have been or may be damaged by said canal or its tributaries, and they shall estimate the value of the benefits done or to be done to the lands of each of such parties as well as the damage done or to be done to such parties as may

Court to appoint commissioners.

To estimate value of benefits or damages done to lands, &c.

thereby be injured. In making the estimates of benefits under this section said commissioners shall take into consideration:

1st. The number of acres of each person drained or to be drained, and the value thereof.

2d. The increased value of said lands, and the costs and expenses of drainage.

3d. And shall charge each tract of said lands according to its increased value and benefit derived from the drainage, with the proportional part of the costs and expenses of constructing said canal and its tributaries, including such damages as ought justly to be paid by said corporation for injuries done or to be done to mills, &c., as is contemplated in this act.

Commissioners to
make written re-
port to court.

Judgment.

Lien of judgments.

Party dissatisfied
entitled to appeal.

SEC. 4. The said commissioners shall as soon as practicable make a written report of their proceedings to the superior court of the county of Cumberland, and the same shall be confirmed by said court unless good cause be shown to the contrary, and thereupon said court shall file said reports and enter up judgment severally against each of the parties benefited as aforesaid for such sums as may be charged in said report and assessed against them respectively, giving credit to each for all payments heretofore made by him to said corporation since the commencement of said work. And the said judgments, when entered up as aforesaid, shall constitute a valid lien upon the several tracts of land as aforesaid, and shall have the same force and effect in law as similar assessments have in special proceedings to secure equality in the partition of land among tenants in common, and shall in like manner be enforced. And the said liens shall charge said lands in the hands of the original owners and all persons claiming under them. If any one of said parties to said special proceeding shall object to the confirmation of the report of said commissioners, he may appeal to the next regular term of Cumberland superior court upon giving bond with satisfactory security to secure the costs

of said appeal, and thereupon the assessment against him, together with his objection to the confirmation thereof, shall be certified and docketed upon the trial docket of Cumberland superior court, to be tried before a judge and a jury according to the course and practice of the superior court.

SEC. 5. In like manner any person who deems himself damaged by reason of the construction of said canal or any of its tributaries, may in the following manner and not otherwise, commence and prosecute a special proceeding in Cumberland superior court against said corporation, setting forth in his complaint under oath:

1st. The situation of his property (lands, or mills, or both,) alleged to be damaged, and the estimated value thereof prior to the cutting of said canal or its tributaries.

2d. The actual damage sustained.

3d. Such other facts as may be material, and a copy of said complaint with the summons shall be served upon the president or other proper officer of said corporation.

SEC. 6. After the expiration of ten (10) days from the time of serving said complaint the said superior court shall appoint five (5) disinterested freeholders, who, after being duly sworn, shall view the premises alleged to be damaged and make a written report of their proceedings to said court, which report shall be confirmed unless good cause be shown to the contrary, and judgment shall be entered up against said corporation for the amount of the damages so assessed against it. Said judgment shall constitute a lien upon all the assets real and personal belonging to said corporation, to be enforced in said superior court as other liens. If either the party commencing said special proceeding or said corporation shall be dissatisfied and object to the confirmation of the report of said commissioners, the party so objecting may appeal to the next regular term of Cumberland superior court upon giving bond with approved security sufficient to

Person damaged authorized to institute special proceeding against company.

What complaint to set forth.

Copy to be served with summons.

Court to appoint commissioners.

Report of commissioners.

Judgment.

Lien of judgment.

Party dissatisfied entitled to appeal.

secure the costs of such appeal, and thereupon the said report and the exceptions thereto shall be certified and docketed upon the trial docket of Cumberland superior court, and the issues thereby raised shall be tried before a judge and a jury according to the course and practice of the superior court.

Notice by commissioners to parties interested.

SEC. 7. The commissioners, or a majority of them, whose appointment is provided for in this act, shall give at least five (5) days' notice to the parties interested in their action and report, of the time and place of meeting for the discharge of the duties imposed upon them, and shall hear and consider any proper evidence which may be submitted to them by the parties interested, and for that purpose may have the power to issue subpoenas for witnesses.

Compensation of commissioners.

SEC. 8. The said commissioners shall for their services be allowed two (2) dollars per day for the time actually engaged, and may call to their assistance a competent surveyor at a reasonable compensation, and said expenses shall be taxed as other costs in special proceedings.

Net surplus fund of company, how distributed.

SEC. 9. The net surplus money or property of any kind whatever belonging to said corporation at the expiration of its charter, after paying all its just debts and liabilities, shall be divided *pro rata* among the persons, or their heirs or personal representatives, whose lands may be assessed and charged under the provisions of this act with the contributions of money to construct and complete the said canal and its tributaries, and in making said division of said net surplus, the same shall be apportioned according to the amount paid to said corporation upon said assessments, and to that extent each person whose lands shall be assessed as aforesaid shall be deemed a stockholder in said corporation.

SEC. 10. All laws and clauses of laws coming in conflict with the provisions of this act are hereby repealed.

SEC. 11. This act shall be in force from and after

its ratification, and the same shall continue in force during the existence of said corporation.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 150.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWO, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

The General Assembly of North Carolina do enact :

SECTION 1. That the proviso in section two, (2) chapter two hundred and two, (202) laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, be stricken out and the following inserted in lieu thereof: "*Provided*, that the guage of said Dan River and Coal Field Railroad shall be determined by the president and board of directors of said railroad company."

Chap. 202, sec. 2,
acts 1868-'69,
amended.

Gauge of Dan
River and Coal
Field R. R.

SEC. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 3. That this act be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 151.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MACON COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of county commissioners of Macon county be and they are hereby authorized to levy

Authorized to levy
special tax.

Proviso.

a special tax for the year one thousand eight hundred and seventy-nine, not to exceed twenty-five cents on every one hundred dollars value of property, to be used in the payment of the indebtedness of said county, which said tax shall be levied upon all the taxable property and polls of said county: *Provided*, that in the levying of said tax the equation prescribed by the constitution between property and poll shall be observed: *And provided further*, that if the said county authorities shall deem the interest of the tax-payers may require it, they may levy a part of said tax for the year one thousand eight hundred and seventy-nine and the remainder for the year one thousand eight hundred and eighty.

To be levied as prescribed by law, &c.

SEC. 2. That the said tax shall be levied as prescribed by law, and shall be accounted for as other county tax.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 152.

AN ACT TO AMEND THE ELECTION LAW.

The General Assembly of North Carolina do enact:

Chap. 276, acts
1876-'77, amended.

SECTION 1. That the act entitled "an act to regulate elections," ratified the twelfth day of March, Anno Domini one thousand eight hundred and seventy-seven, be amended as follows: Add two new sections after section one to read thus:

Superior court
clerk.

"SEC. 2. On the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and eighty-two, and on said day every four years thereafter, an election shall be held in each county for the office of clerk of the superior court.

“SEC. 3. On the Tuesday next after the first Monday in Constable.
November, in the year of our Lord one thousand eight
hundred and eighty, and on said day every two years
thereafter, an election shall be held in each township for
the office of constable.”

SEC. 2. Strike out the words “justices of the peace” in Sec. 2 amended.
line one, of section two and insert the words “commis-
sioners.”

SEC. 3. Strike the words “justices of the peace” in line Sec. 3 amended.
one of section five, and insert from the word “commis-
sioners.”

SEC. 4. Strike out the words “justices of the peace” in Sec. 4 amended.
line fourteen of section six and insert “commissioners.”

SEC. 5. Strike out the words “justices of the peace” in Sec. 5 amended.
line one of section nine and insert “commissioners.”

SEC. 6. Insert after the word “chapter” in line four of Sec. 41 amended.
section forty-one the following: “As it will always read
with the latest amendments incorporated with it.”

SEC. 7. Strike out the words “immediately preceding Sec. 49 amended.
the termination of each congress” in lines four and five
of section forty-nine and insert the following in lieu
thereof: “In the year of our Lord one thousand eight
hundred and seventy-eight and on said day every two
years thereafter.”

SEC. 8. At the end of section fifty-two add the follow- Sec. 52 amended.
ing: The senatorial members of the board of state can- Compensation of
vassers shall, while engaged in the discharge of their du- senatorial mem-
ties, receive the same *per diem* and mileage as members bers of board of
of the general assembly. state canvassers.

SEC. 9. Strike out in section seventy all from the begin- Sec. 70 amended.
ning down to and including the word “election” in line
four, and after the word “counties,” in line six, insert
the following: “as hereinbefore provided in section
twenty-four.”

SEC. 10. After the word “sheriff” in line four, section Sec. 77 amended.
seventy-seven, insert the words “register of deeds.”

Sec. 78 repealed.

SEC. 11. That section seventy-eight of said act is hereby repealed.

Sections to be re-numbered.

SEC. 12. That the sections of said act shall be re-numbered in accordance with the changes made necessary by the foregoing amendments.

Chap. 199, acts 1876-'77, repealed.

SEC. 13. Chapter one hundred and ninety-nine of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven is hereby repealed.

SEC. 14. This act shall be in force from its ratification. Ratified the 8th day of March, A. D. 1879.

CHAPTER 153.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CURRITUCK COUNTY TO EXCHANGE THE STOCK OF SAID COUNTY IN THE ALBEMARLE AND CHESAPEAKE CANAL COMPANY FOR BONDS OF THE COUNTY.

The General Assembly of North Carolina do enact:

Authorized to exchange county stock for bonds.

SECTION 1. That the county commissioners of the county of Currituck be and they are hereby authorized and empowered to exchange with the Albemarle and Chesapeake Canal Company the stock of the county in said corporation for the bonds issued by the said county for the construction of said canal, or for any other indebtedness of the county.

Terms of exchange.

SEC. 2. That the said board of commissioners make such exchange upon such terms and at such rates as they may deem most beneficial to the county which they may be able to obtain.

Power to exempt company from county and township taxation.

SEC. 3. That the said board may have power in making said exchange to exempt the said company from all county and township taxation for such a period of years

as may be agreed upon, and such exemption shall be a part of the contract of exchange.

SEC. 4. That when the county has parted with its stock in the manner aforesaid, it shall cease to be a stockholder in said corporation and shall have no further representation in said company. When county to cease to be stockholder.

SEC. 5. That when the exchange as aforesaid is effected, the board of commissioners shall have power to transfer the said stock in a manner to carry out the contract of said parties. Transfer of stock.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 154.

AN ACT SUPPLEMENTAL TO AN ACT FARMING OUT CONVICTS IN THIS STATE.

The General Assembly of North Carolina do enact:

SECTION 1. That the several railroad companies of this state in which the state has no interest to which convict labor by law has been assigned, and which are required to pay for such convict labor in stock in such railroad, or where the state is given a first lien for such work, may at their option pay in cash to the treasurer of the state twenty per cent. in cash on the amount of the interest obtained by the state in working convicts on such railroad, or at the option of [the] president and board of directors of any such road the said railroad company shall pay a sum not less than twelve nor more than twenty-five dollars in cash per annum *per capita* for such convict labor, and upon payment of such sum to the treasurer, the treasurer of the state shall transfer to the said railroad Indebtedness of certain railroads to state for convict labor, how discharged.

Transfer of state's interest.

company all the interest in said railroad obtained by working of convicts on said railroad.

SEC. 2. That all laws and clauses of laws coming in conflict with this act that may have been passed heretofore or at the present session of this general assembly are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 155.

AN ACT TO AMEND SECTION SEVEN, CHAPTER SEVENTY-FIVE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND TWENTY-FIVE, THE SAME BEING AN ACT FOR THE BETTER GOVERNMENT OF THE TOWN OF WADESBORO, IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Chap. 75, sec. 7,
acts 1875, amend-
ed.

SECTION 1. That section seven, chapter seventy-five, laws of one thousand eight hundred and twenty-five, be amended by striking out of said section seven the words "not exceeding ten cents on each hundred dollars." And this act be in force from its passage.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 156.

AN ACT TO MAKE THE SLANDER OF WOMEN INDICTABLE.

Preamble.

WHEREAS, the very existence in society of innocent and unprotected women depends upon the unsullied purity

of their characters: now, therefore, to protect them against persons who may attempt in a wanton and malicious manner to destroy their reputations,

The General Assembly of North Carolina do enact:

SECTION 1. That any person who may attempt in a wanton and malicious manner to destroy the reputation of an innocent woman by words written or spoken, which amounts to a charge of incontinency, shall be guilty of a crime, and on conviction thereof shall be fined or imprisoned at the discretion of the court.

Slander of women
a crime.
Penalty.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 157.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-FIVE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact:

SECTION 1. That in line three, section four of chapter two hundred and eighty-five, laws of one thousand eight hundred and seventy-six and seventy-seven, the word Goldsboro be stricken out.

Chap. 285, sec. 4,
acts 1876-77,
amended.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 158.

AN ACT TO REVISE AND CORRECT THE TAX LISTS OF ALAMANCE COUNTY FOR THE YEARS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE (1869), ONE THOUSAND EIGHT HUNDRED AND SEVENTY (1870), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE (1871), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO (1872), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE (1873), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR (1874), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE (1875), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX (1876), SO FAR AS THEY RELATE TO THE NORTH CAROLINA RAILROAD COMPANY AND TO THE RICHMOND AND DANVILLE RAILROAD COMPANY, AND TO AUTHORIZE THE COLLECTION OF THE TAXES DUE THE SAID LISTS.

Preamble.

WHEREAS, the North Carolina Railroad Company and its lessees, the Richmond and Danville Railroad Company, have failed to pay their proper state and county taxes upon a large amount of real and personal property in the county of Alamance for the years from the year Anno Domini one thousand eight hundred and sixty-nine to the year one thousand eight hundred and seventy-six inclusive, on account of their failure to list their said property, or on account of illegal assessments thereof and consequent litigations, and the said tax-lists are erroneous; and large amounts which ought to have been assessed on said corporations and collected under the laws of those respective years are still unlisted and uncollected, and the said corporations have thus evading [evaded] contributing their just share of the public burdens;

AND WHEREAS, the latter corporation has recovered from both state and county large sums refunded under

decisions of the supreme court on account of illegal assessments :

The General Assembly of North Carolina do enact :

SECTION 1. That the lawful authorities in Alamance county, charged with the listing and assessment and revision of taxes in the said county of Alamance for the year one thousand eight hundred and seventy-nine, in addition to their regular duties as such for the year one thousand eight hundred and seventy-nine aforesaid, are hereby authorized, empowered and directed to revise and correct the tax lists of said county for the years respectfully one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy, one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two, one thousand eight hundred and seventy-three, one thousand eight hundred and seventy-four, one thousand eight hundred and seventy-five [and] one thousand eight hundred and seventy-six, so far as said lists relate to the taxable property of said corporations, or either of them, and so that said tax lists shall speak the truth as if the lists and assessments have been made under and in accordance with the laws of the said respective years.

Tax lists of Alamance county for certain years to be revised, as to the property of N. O. R. R. Co. and E. & D. R. R. Co.

SEC. 2. The said lawful authorities mentioned in first part of section one, or either of them, shall give to each of the said corporations a written notice of ten days of the time and place of the listing (which shall be the place of listing the taxes for one thousand eight hundred and seventy-nine,) in any township, and the said notice served by the sheriff on the president, secretary, treasurer, or any general agent, or in case one of these cannot be found, upon any ticket agent of said corporation, shall be good and sufficient notice : *Provided*, said notice shall be served by copy, and shall contain information of the purpose of said authorities to revise and correct the tax lists for the respective years aforesaid, and the president, secretary and treasurer, or other authorized persons of either [of] said cor-

Notice of revision of tax list.

Proviso.

Taxable property to be given in on oath.

porations shall appear at the time and place specified in said notice and give in on oath the taxable property of such corporation.

Failure to list.

SEC. 3. Should the said corporations, or either of them, fail to list as aforesaid, the said person or persons authorized by law to list shall have power and authority to take the testimony of any officer or employee of said company or any other person or persons, and from the testimony thus taken to complete the listing for each of the respective years aforesaid, and the said person or persons shall have for this purpose the power to administer oaths.

How taxable property ascertained.

List how taken.

SEC. 4. The lists so taken shall be for each year according to the form furnished by the auditor for that year, and shall be returned as the lists for one thousand eight hundred and seventy-nine are returned, and the said corporations, or either of them, shall have all the rights and privileges in contesting the correctness of the listing or assessment of any one year which were allowed under the laws of that year.

Rates of taxation.

SEC. 5. No greater rate of taxation shall be imposed for any one year than that which was laid under the assessment of the year for which said tax lists are revised and corrected, and the said corporations, or either of them, shall have full credit on the amount assessed for any one year for whatever amount they or either of them may have heretofore paid for that year.

Credits.

Collection of tax.

SEC. 6. The lists shall take the same course and shall be collected in like manner with the other lists for the year one thousand eight hundred and seventy-nine, and the sheriff of Alamance is hereby directed and invested with all the power and authority to collect and pay over said taxes as he shall have in the case of the tax lists of one thousand eight hundred and seventy-nine and under the laws thereof.

SEC. 7. This act shall be in force from and after the eighth day of March, one thousand eight hundred and seventy-nine.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 159.

AN ACT TO ESTABLISH THE EASTERN BOUNDARY LINE BETWEEN THE COUNTIES OF BRUNSWICK AND COLUMBUS.

The General Assembly of North Carolina do enact :

SECTION 1. That the dividing line between the counties Dividing line. of Brunswick and Columbus shall be as follows, to-wit: Beginning at a point on Cape Fear river immediately below Fowl Foot plantation, the property of John M. Sikes; from thence an air-line to head of Livingston creek; from thence a due south course to Clear Branch, in Green swamp; from thence with old line as now established.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 160.

AN ACT TO PROVIDE FOR THE FREE PASSAGE OF FISH UP NEUSE RIVER, AND SWIFT AND MIDDLE CREEKS IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact :

SECTION 1. That any and all persons who shall now Fish-ways to be constructed. have or shall hereafter have erected any dam or dams, or other obstructions, for whatsoever purpose, across Neuse river from the town of Newbern to the Orange county line, or across Middle creek from its junction with Neuse river in Johnston county to Wake county line, or across Swift creek from its junction with said Middle creek to W. H. Saunders' mill, be and they are hereby required

within six months after the ratification of this act to construct fish ways over said dams or obstructions, so that at least one-fourth of said streams shall be open for the free passage of shad and other fish.

Unlawful to fell
trees, &c.

SEC. 2. That it shall be unlawful for any person to fell any tree or trees into or across any of said streams of water mentioned in the first section of this act.

Misdemeanor.

SEC. 3. That any and all persons violating the provisions of sections one or two of the foregoing act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined and imprisoned at the discretion of the court.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 161.

AN ACT ABOLISHING "THE INSANE ASYLUM OF NORTH CAROLINA" AND INCORPORATING "THE NORTH CAROLINA INSANE ASYLUM."

The General Assembly of North Carolina do enact:

Chap. 6, part 2,
Battle's Revisal,
and chap. 214, acts
1876-77, repealed.

SECTION 1. That part two of chapter six (6) of Battle's Revisal, and chapter two hundred and fourteen (214) of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, and all laws and clauses of laws in conflict with this act, are hereby repealed.

The North Caro-
lina Insane Asy-
lum incorporated.

SEC. 2. That the North Carolina Insane Asylum is hereby constituted a corporation, and shall be and remain a corporation under that name, and the said "North Carolina Insane Asylum" is hereby invested with all the property and rights which now belong to the "Insane

Asylum of North Carolina" under that or other corporate name, and by that name, to-wit: "The North Carolina Insane Asylum," it may acquire and hold for the purposes of the establishment of the original institution all such property and estate as may be devised, bequeathed, or in any way given or conveyed to it. Powers, &c. ~~See~~

SEC. 3. The affairs of "The North Carolina Insane Asylum" shall be managed by a board of seven (7) directors, of which the governor shall *ex-officio* be the chairman, and of whom four, exclusive of the governor, shall be a quorum for the transaction of business. And the term of the first board to be appointed under this act shall begin on the first day of March, Anno Domini one thousand eight hundred and eighty (1880) and shall hold their office for the term of one year, and every succeeding board shall hold office for the term of two years. Governor *ex-officio* chairman. Quorum. Term of office. ~~See~~

SEC. 4. The board of directors shall out of their number appoint three members as an executive committee, two of whom shall reside in the city of Raleigh, who shall hold their office as such for one year, and shall have the powers and be subject to the duties which the present executive committee has or is subject to. Executive committee. Powers, &c.

SEC. 5. The board of directors shall direct and manage the affairs of the institution, and for its better government make all necessary by-laws, not inconsistent with the laws of the state, shall have power to receive, hold, manage, convey, or otherwise dispose of, in the name of the institution, all such property or estate as may hereafter be given or otherwise conveyed to the Asylum; and the members of the board shall serve without reward, save their travelling expenses incurred in the discharge of their official duties. Duties of board of directors. Travelling expenses.

SEC. 6. The board of directors shall convene at the asylum quarterly in each year, and investigate the administration of its affairs and report on the same to the general assembly, with such remarks and recommendations as to them shall seem expedient. Meetings. Report.

Superintendent.	SEC. 7. The board of directors shall appoint a superintendent of the institution, and prescribe his duties. He shall be a skillful physician, educated to his profession, of good moral character, of prompt business habits, of kindly disposition, and a married man. He shall hold his office for four years from and after his appointment, unless sooner removed by the board, who may, for infidelity to his trust, gross immorality, incompetency to discharge the duties of his office, fully proved and declared, and the proof thereof recorded in the book of their proceedings, remove him and appoint another in his place.
Term of office.	
Removal.	
Assistant physician.	SEC. 8. The board of directors shall appoint an assistant physician, and, with the advice and consent of the superintendent, prescribe his duties. He shall hold his place for four years from and after his appointment, unless sooner removed by the board for good cause, which shall be specified and recorded in their proceedings.
Term of office.	
Removal.	
Steward and other officers.	SEC. 9. The board of directors shall appoint a steward, (who shall give such bond for the faithful discharge of his duties as shall be prescribed by the directors) matron and other officers whose appointment is not elsewhere vested, who shall hold their places for one year from their appointment, unless sooner removed by the board for good cause, which cause shall be specified and recorded in their proceedings, and other officers shall be appointed for the unexpired term of those removed.
Terms of office.	
Removal.	
Salaries, &c.	SEC. 10. The board of directors shall fix the salaries and compensation of the superintendent, and the officers and employees whose services may be necessary for the management of the asylum: <i>Provided</i> , that the salaries shall not be diminished during the term of the incumbents.
Superintendent to have control of other officers.	The superintendent shall exercise exclusive direction and control over all the subordinate officers and employees engaged in the service and labors of the asylum, and in every case of misconduct may discharge such employees as have been employed by himself or his predecessors, and

shall report to the board of directors the misconduct of all other subordinates.

SEC. 11. The treasurer of the state shall be the treasurer of the institution, and shall perform all his duties as such under such regulations as shall be prescribed by the board of directors with the approval of the governor, and the said treasurer shall be responsible on his official bond for the faithful discharge of his duties as such.

Public treasurer to be treasurer of institution.

SEC. 12. There shall be no second assistant physician in said asylum, but all the duties which ought to devolve on physicians or medical men in said asylum shall be discharged by the superintendent and the assistant. In any case of emergency, however, additional medical or surgical assistance may be employed, only by the order of the executive committee, and in protracted cases only by the approval of the governor: *Provided*, that this act shall not be so construed as to prevent the directors from utilizing the druggist as second assistant physician.

Office of second assistant physician abolished.

Additional medical assistance, when and how employed.

Proviso.

SEC. 13. The steward alone shall make purchases for the institution, and only upon the requisition of the superintendent, and whenever so required by him; and the steward's bills shall be audited by the executive committee and settled by the treasurer, under such rules and regulations as may be prescribed by the board of directors and approved by the governor. No other bills than those made and presented by the steward shall be audited and settled or be deemed debts of the institution. The steward shall transcribe in a book for that purpose every requisition made upon him by the superintendent, and shall file and keep the originals, and shall also keep a full itemized and classified statement of all expenditures, the prices paid and to whom. The steward shall also be custodian of all provisions purchased.

Steward to make purchases on requisition of superintendent.

Bills, how audited, &c.

Steward to keep itemized account.

SEC. 14. The superintendent shall receive an annual salary not exceeding twenty-five hundred dollars, and may occupy, free of charge, such rooms as the board shall assign him, and shall receive no other compensation

Salary of superintendent.

Entertainment of
visitors.
Applications for
admission.

whatever, by way of board or otherwise; but the board of directors may determine in what way and to what extent he may entertain visitors to the institution. He shall keep in his office a regular list of applications for admittance into the asylum, and the applicants shall be admitted in the order and date of their application, under the requirements prescribed by law, and subject to section thirty-two of this act.

Annual appropriation.

Repairs.

Deficit.

SEC. 15. The sum of forty-five thousand dollars annually, for the next two years, is hereby appropriated out of the fund authorized by law to be levied and collected, or out of any fund in the treasury not otherwise appropriated, for the support and maintenance of the institution, and of this sum two thousand annually, if necessary, shall be used for repairs; and should this sum prove insufficient for the comfort and proper treatment of the inmates, in that case the treasurer is authorized and directed to pay out of the aforesaid fund, or any moneys in the treasury not otherwise appropriated, such additional sums as shall be certified by a majority of the directors to be necessary, and endorsed and approved by the governor, not exceeding in the aggregate the sum of five thousand dollars.

Penitentiary board
to furnish convict
labor.

SEC. 16. For all necessary labor about said asylum or its grounds, which, in the judgment of the executive committee, can be properly done by convict labor, the said executive committee is empowered to make a requisition upon the authorities of the penitentiary, and the said authorities are directed to furnish said convict labor and the necessary guards therefor.

By-laws, &c.

SEC. 17. The board of directors shall make all such by-laws and regulations for the government of the institution as shall be necessary, among which regulations shall be such as shall, in the language of the constitution, make the institution as nearly self-supporting as is consistent with the purpose of its creation. The board shall cause the by-laws and regulations, the report of the superin-

Publication.

tendent and that of the treasurer to be published with their report to the board of public charities, copies of which shall be sent to the clerk of the superior court of each and every county in the state.

SEC. 18. The board of directors shall hold meetings at the asylum or executive office from time to time, and diligently examine into its government and condition as often as they may deem necessary.

Meetings of board of directors.

SEC. 19. Every insane person confined in jail for any other cause than crime, may be removed to the asylum upon the order of the clerk of the superior court of the county in which the jail is situated.

Removal to asylum of insane persons confined in county jails otherwise than for crime.

SEC. 20. The judges of the superior courts in the respective districts shall allow to be committed to the asylum, as a patient, any person who may be confined in jail on a criminal charge of any kind or degree, or upon a peace warrant, whenever the judge shall be satisfied by a verdict of a jury of inquisition that the alleged criminal act was committed while such person was insane.

Removal to asylum of insane persons confined for crime, &c.

SEC. 21. For admission into the asylum in other cases the following proceedings shall be had: Some respectable citizen, residing in the county of the alleged insane person, shall make before and file with a justice of the peace of the county an affidavit in writing, which shall be substantially as follows:

Proceedings to secure admission of insane person to asylum.

STATE OF NORTH CAROLINA, }
.....County. }

The undersigned, residing in said county, maketh oath that he hath carefully examined, the alleged lunatic, and believes him or her to be an insane person, and is, in the opinion of the undersigned, a fit subject for admission into the insane asylum.

Dated, day of, 18.....

A B (affiant.)

Subscribed and sworn to.

C D, J. P.

Proceedings to secure admission of insane person to asylum.

Whereupon, unless the person or persons in whose care or custody the alleged insane is will agree to bring him or her before the said justice without a warrant, the justice shall issue a precept, directed to the sheriff or a constable, as follows :

THE STATE OF NORTH CAROLINA,

To the Sheriff or Constable of.....County—Greeting :

WHEREAS, information on oath has been laid before me that is an insane person : You are hereby commanded to bring him or her before me, or some other justice of the peace of said county, within the next ten days, in order that necessary proceedings may be had respecting his insane condition.

Given under my hand this day of, 18.....

C..... D....., J. P.

Upon the bringing of the alleged insane person before the justice by his or her friends, or upon the return of the precept with the body of the insane person, the justice shall cause to be associated with him two or more justices of the county, who together shall proceed to examine into the condition of mind of the supposed insane person, and shall take the testimony of at least one respectable physician, and such other of them as they may think proper. If the justices, or any two of them, shall decide that such person is insane, and some friend, as he may do, will not become bound, with good security, to restrain him or her from committing injuries, and to keep, support and take care of him or her until the cause for confinement shall cease, the said justices, or any two of them, shall direct the insane person to be removed to the asylum as a patient ; and to that end they shall direct a warrant to the sheriff or constable, and at the same time shall transmit to the board of directors the examination of the witnesses, and a statement of such facts as the said

justices shall deem pertinent to the subject matter, which warrant shall be substantially as follows :

THE STATE OF NORTH CAROLINA,

To the Sheriff or Constable of.....County—Greeting :

WHEREAS, it has been made to satisfactorily appear to us, C..... D....., and E..... F....., justices of the peace of said county, that A..... B....., a citizen of the state, is an insane person, that he has a legal settlement in said county, and is a fit subject for the insane asylum, and that his being at large is injurious to himself, and disadvantageous, if not dangerous, to the community : You are hereby commanded to take the said A..... B..... and convey him to the insane asylum of North Carolina, and there deliver him to the superintendent thereof for safe keeping.

Given under our hands this day of....., 18....

C..... D....., J. P.

E..... F....., J. P.

SEC. 22. Whenever the justices of the peace, under the provisions of the preceding section, shall direct any insane person to be removed to the asylum as a patient for safe keeping, it shall be their duty to make a full report of their proceedings to the clerk of the superior court of their county. The following interrogatories, with their respective answers by competent witnesses, shall likewise be transmitted, with the other papers, to the board of directors :

Justices of the peace to report proceedings to superior court clerk.

Interrogatories and answers to be transmitted to board of directors.

Question 1. What is the name of the patient ?

Question 2. What is his or her age ?

Question 3. Is he or she married or single ?

Question 4. What is the supposed cause of his or her insanity ?

Question 5. In what way is the disease exhibited ?

Question 6. Has any medical treatment been pursued ? if so, what kind ?

Question 7. How long has he or she been insane ?

Question 8. Has the patient manifested any propensity to injure himself or others ?

Question 9. Has he or she been subject to epilepsy ?

Question 10. Has any of his or her ancestors been insane ?

Question 11. Has he or she any family, and, if so, what persons compose it ?

Question 12. What is the occupation of the patient ?

Question 13. How many attacks of mental disease has the patient had ?

Board of directors to determine admission in doubtful cases.

SEC. 23. Whenever an insane person shall be conveyed to the asylum, and the superintendent is in doubt as to the propriety of his or her admission, he may convene the board of directors, (any three of whom shall constitute a board) for the purpose of examining and deciding if such person is a proper subject for admission ; and if a majority of such board decide that he or she is such, shall be received into the asylum ; but such board may, at any time thereafter, deliver said insane person to any friend who will become bound, with good security, to restrain him or her from committing injuries, and to keep, maintain and take care of him or her, in the same manner as he or she might have become bound under the authority of the justices of the peace.

Incurable insane, when removable from asylum.

SEC. 24. Whenever the superintendent shall deem an insane person to be incurable, and that his or her being at large would not be injurious to himself or herself, or dangerous to the community, he shall certify the fact to the clerk of the superior court of the county from which the patient was sent, and also to the board of directors (any three of whom shall constitute a board), who may, if deemed expedient, remove such patient from the asylum.

Proceedings to secure the transfer to asylum of dangerous lunatics, &c., whose estates are solvent.

SEC. 25. When an affidavit in writing shall be made before a justice of the peace by a citizen of the state, that any person who has been found by the inquisition of a jury to be an idiot, lunatic or *non compos mentis*, and whose

estate in the hands of his or her guardian shall be sufficient to support him or her and family, if he or she has any, is mischievously inclined, and that his or her going at large is dangerous to the community, it shall be lawful for said justice to issue his warrant requiring the sheriff to bring him or her before two justices of the peace within ten days, in order that the complaint may be duly examined, and the sheriff when he executes the warrant is to notify the guardian.

SEC. 26. If the said justices on the return of the warrant are satisfied that the facts stated in the complaint are true, it shall be their duty to issue process to the sheriff, commanding him to take such insane person and convey him or her to the Asylum of North Carolina, and there to deliver him or her to the superintendent thereof for safe keeping: *Provided, however,* that the mischievous disposition of such insane person shall have been proved by at least two competent witnesses, who have been acquainted with him or her for more than twelve months.

When and how conveyed to asylum.

Proviso.

SEC. 27. If the insane person mentioned in the preceding section be sent to the asylum, a copy of the proceedings shall be returned by the justice to the clerk of the superior court of his county, who shall have power, from time to time, to make such orders or decrees concerning the payment of the expenses of sending him or her to said asylum, or sending him or her back, should he or she be discharged therefrom, as to said clerk shall seem just and reasonable under the circumstances of the case.

Justices to return proceedings to superior court clerk.

Clerk to make orders concerning expenses.

SEC. 28. Any judge of the superior or supreme courts may make an order for the discharge from the Asylum of any person confined there under this act, if the superintendent thereof shall certify to him in writing that he is well satisfied that such person is not mischievous, and would not be dangerous to the community, if discharged: *Provided,* that the signature to the certificate be duly acknowledged or proved before the clerk of the superior court for Wake county, and shall be certified by him

When judge to order discharge of insane person from asylum.

Proviso.

Bond for safe
keeping, &c., of
insane person.

Action by person
injured.

Action by solicitor
for benefit of in-
sane person.

Form of bond.

under his official seal. All bonds executed for restraining insane persons from committing injuries, and for their safe keeping, support and care, shall be payable to the state of North Carolina, in the sum of five hundred dollars at least, and shall be transmitted to the clerk of the superior court of the county wherein the insane person is settled for safe keeping, and may be put in suit by any person injured by the insane person, by reason of his or her insane condition, and shall be put in suit by the solicitor for the judicial district in which the county of the insane person's residence is situated, for any other breach thereof wherein the damages received shall be for the use of the insane person, and shall be at least fifty dollars.

SEC. 29. The form of the bond mentioned in the preceding section shall be as follows :

STATE OF NORTH CAROLINA, }
.....County. }

Know all men by these presents, that we, A..... B....., principal, and C..... D..... and E..... F....., sureties, are held and firmly bound unto the state of North Carolina, in the sum of dollars, for the payment whereof we bind ourselves and each of us.

Witness our hands and seals, this the day of....., 18.....

The condition of the above obligation is this: Whereas, the said A B, with the view of hindering G H, an insane person, resident in the county aforesaid, from being sent to the insane asylum of North Carolina, (or effect his release from the said asylum, as the case may be,) hath undertaken to restrain him or her from committing injuries, and to keep, maintain, support and take care of him or her: Now if said A B shall faithfully comply with

the conditions of this obligation, then the same shall be void, otherwise it shall be in full force.

A B, (SEAL.)

C D, (SEAL.)

E F, (SEAL.)

SEC. 30. Whenever it shall be made to appear to the clerk of the superior court of the county in which such insane person was resident, that the conditions of the bond are not faithfully complied with, the insane person shall be sent to the asylum by such clerk of the superior court, unless some other responsible and discreet friend will undertake to fulfill the duties of said obligation, and whenever said insane person shall be sent back to the asylum, he or she shall not be delivered on any new bond of the defaulting obligor.

When insane person to be re-sent to asylum.

Not to be re-discharged on new bond of defaulting obligors.

SEC. 31. All dues to the asylum from any and all sources shall be paid into the public treasury, and the said asylum shall hereafter be supported by appropriations from the public treasury. And as the constitution declares that "the general assembly shall provide that all the deaf mutes, the blind and the insane of the state shall be cared for at the charge of the state," the indebtedness of the counties for, and on account of, the asylum shall be forgiven and discharged, and hereafter no county shall levy any tax for the support of the insane asylum.

Dues to asylum payable to public treasurer.

County indebtedness discharged.

Taxation by county.

SEC. 32. The board of directors shall have power to regulate admissions into the asylum, having regard to the probabilities of curing the parties of their mental diseases.

Board of directors to regulate admissions.

SEC. 33. All money applied for the use and support of the institution and the insane therein, shall be paid to the treasurer of the asylum, out of the public treasury, on warrants drawn by a majority of the board of directors, or by the superintendent, and countersigned by at least two of the board of directors, and approved by the governor.

Money for support of asylum payable to treasurer of the asylum.

Moneys belonging to asylum payable to public treasurer.

Donations.

Officers and employees exempt from jury and militia service and work on road.

Board of directors to keep record of proceedings.

Clerk.

Books open to inspection.

Visitors of asylum.

Duty of board of public charities.

Fiscal year.

Board of directors empowered to settle claims for board of paying patients.

When county commissioners to discharge from confinement lunatic not in asylum.

SEC. 34. All money, and the proceeds of property given to the asylum, and all money arising from any estate which may be owned by the asylum, shall be paid into the public treasury, and all donations in which there shall be special directions for its application, shall be kept as a distinct fund, and shall be faithfully applied as the donor may have directed.

SEC. 35. In order to secure their constant supervision and attendance, the officers and employees of the Asylum shall be exempt from serving on juries, in the militia, and from the duty of working on the public roads.

SEC. 36. The board of directors shall cause all their proceedings to be faithfully and carefully written and recorded in books, and to this end may employ a clerk and pay him a reasonable compensation for his services. The books shall at all times be open to the inspection of the board of public charities, and of the general assembly.

SEC. 37. The board of public charities, and the members of the general assembly, shall be *ex-officio* visitors of the insane asylum. It shall be the duty of the board of public charities to visit the asylum from time to time, as they may deem expedient, to examine its condition, and make report thereon to the general assembly, with such suggestions and remarks as they think proper.

SEC. 38. The close of the fiscal year shall hereafter be the thirty-first of December in each and every year, and all accounts and estimates shall be made with reference thereto.

SEC. 39. The board of directors shall have power to compromise or settle, on such terms as may seem to them equitable, all claims due the asylum for board of paying patients, whether in suit or otherwise.

SEC. 40. It shall be the duty of the county commissioners, by proper order to that effect, to discharge any ascertained lunatic in their county not admitted to the lunatic asylum, when it shall appear upon the certificate of two respectable physicians, and the chairman of the board of

county commissioners, that such lunatic or idiot ought to be discharged if in the lunatic asylum.

SEC. 41. Whenever any person shall be found to be insane in the mode prescribed by this chapter, and such person shall be possessed of an income amply sufficient to support those who may be legally dependent for support on the estate of such insane person, and moreover to support and maintain such insane person in any named asylum situate outside of the state; and such insane person, if of capable mind to signify such preference, shall, in writing, declare his or her wish to be placed in such asylum without the state, instead of being in the asylum established by the state; and two respectable physicians who shall have examined such insane person, with the justices appointed by said act to make the examination, shall deem it proper, then it may be lawful for said justices of the peace, together with said physicians, to recommend in writing that said person shall be placed in the asylum so chosen as a patient thereof.

When insane person to be placed in asylum outside the state.

SEC. 42. It shall be the duty of any person having the legal custody of the estate of such insane person to supply the funds for his or her support in the asylum in which he or she may be placed during his or her stay therein, and so long as they may be sufficient for that purpose, over and beyond maintaining and supporting those persons who may be legally dependent on the estate as aforesaid.

Expenses, how paid.

SEC. 43. It shall be the duty of said justices to report the proceedings in all such cases to the clerk of the superior court of the county in which such insane person may reside or be domiciled, as provided for in this chapter.

Justices to report proceedings to superior court clerk.

SEC. 44. The clerk of the court shall lay the said proceedings before the judge of the superior court of the district in which the insane person may reside or be domiciled, and, if he approve them, he shall so declare in writing, and such proceedings, with the approval thereof, shall be recorded by said clerk.

To be approved by court.

Authority to warrant removal.

SEC. 45. A certified copy of such proceedings, with the approval of the said judge, shall be sufficient warrant to authorize any friend or friends of the insane person, appointed by the said judge, to remove him or her to the asylum designated.

Term of office of superintendent, &c, not interfered with.

SEC. 46. This act shall not be so construed as to interfere with the term of office of the superintendent, or of the first assistant physician as agreed upon by the present board of directors, except so far as the same may be affected by section fourteen of this act.

SEC. 47. All laws and clauses of laws in conflict with this act are repealed.

Board of directors and incumbents of offices not hereby abolished to continue in office until March, 1880.

SEC. 48. This act shall be in force from its ratification, but the present board of directors and officers of the institution, except the officers abolished by this act, shall continue in office and control until the first day of March, one thousand eight hundred and eighty, or until their successors are appointed, and the governor shall be *ex-officio* a member and chairman of the present board of directors.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 162.

AN ACT TO AUTHORIZE THE COUNTY OF BLADEN TO FUND ITS FLOATING DEBT.

The General Assembly of North Carolina do enact:

County commissioners authorized to issue bonds.

SECTION 1. That in order to fund the just debt of the county of Bladen outstanding and due prior to the first day of January, one thousand eight hundred and seventy-seven, and incurred for the necessary expenses of the county, the commissioners of said county are hereby authorized to issue coupon bonds not to exceed thirty thousand dollars, in denominations of not less than one hundred

dollars, nor more than three hundred dollars, with coupons attached calling for interest at the rate of six per cent. per annum on the principal of each bond, and said interest as evidenced by the coupons aforesaid, being due and payable on the first Monday of February in each and every year.

SEC. 2. Said bonds shall be dated as of the first day of March, one thousand eight hundred and seventy-nine, and shall be due ten years after date, that is to say on the first day of March, one thousand eight hundred and eighty-nine; they shall be signed by the chairman of the board of county commissioners, and countersigned by the clerk of the board of commissioners, who shall keep a book suitable for the purpose, in which he shall keep an accurate account of the number of bonds issued, and the amount of each bond issued, and the person to whom payable; said clerk of the board shall also keep an accurate account of the coupons and bonds which shall be paid, taken up or otherwise cancelled, so that by an inspection of said book the true state of the bonded debt herein provided for may be seen and easily ascertained; said book shall at all times be open to inspection of any tax-payer of the county: *Provided*, that the commissioners may pay said bonds at any time, together with the interest accrued, although the same may not be due.

SEC. 3. That Andrew S. Kemp, William H. White and Alexander K. Cromartie be and they are hereby appointed a special board of audit on behalf of the tax-payers of said county to audit, scrutinize and examine into all claims contracted before the first day of January, one thousand eight hundred and seventy-seven. They shall elect one of their number chairman, and any vacancy occurring shall be filled by the remaining members; said special board of audit shall continue in existence until the first day of January, one thousand eight hundred and eighty; it shall be their duty to compromise and settle on such terms as they may think best and equitable the claims aforesaid, by recommending to the board of com-

Description of bonds.

Bonds, when payable.

How signed.

Clerk to keep record of bonds issued.

To be open for inspection.
Provided.

Board of audit.

Vacancy.

Term of office.

Duties.

missioners the amount which should be allowed on each claim, and if said board of commissioners concur, the bond or bonds shall be issued according to the provisions of [this] act. No bond shall be issued without the concurrence of the special board of audit. Whenever a claim is presented to the board of audit it shall be their duty to make inquiry concerning its origin and consideration, and if in their judgment it ought not to be paid they shall reject it, or they may recommend the payment of such part as they may deem equitable and just, and if a creditor consents to receive a bond for his claim he shall surrender his claim in full; and the evidence of it, whether in judgment, county warrant or otherwise, shall be cancelled or marked satisfied. No claim shall be allowed for more than its par value. No creditor who shall refuse to receive bonds on the terms recommended by the special board of audit in liquidation of his claim shall be entitled to any part of any fund that may be raised by the special taxes provided for in this act.

Special tax.

SEC. 4. To pay the interest on the bonds herein provided for, and raise a sinking fund for the payment of the principal, the commissioners of Bladen county and a majority of the board of justices of the peace concurring, are hereby authorized to levy a special tax on all property in the county, real, personal and mixed, for each and every year until said bonds may become due, and also on the taxable polls: *Provided*, the tax in any one year shall not exceed twenty cents on the one hundred dollars' worth of property, and the tax on polls shall be equal to the tax on three hundred dollars of property.

Proviso.

Coupons receivable for special tax.

SEC. 5. The coupons on the bonds provided for by this act shall be receivable in payment of special taxes provided for by this act.

Authority to sell bonds.

SEC. 6. That the commissioners of Bladen county, with the approval of the board of audit aforesaid, may sell bonds, not to exceed in amount five thousand dollars, for the purpose of raising money to pay and settle with small

claimants: *Provided*, that they shall not sell said bonds *Proviso.* for less than ninety cents in the dollar.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified the 10th day of March, A. D. 1879.

CHAPTER 163.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO PREVENT OBSTRUCTION TO NAVIGATION IN THE WATERS OF NEWPORT RIVER, CARTERET COUNTY, PASSED AT THE SESSION OF ONE THOUSAND EIGHT HUNDRED ANE SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, BEING CHAPTER NINETY-NINE OF [THE LAWS OF] SAID SESSION AND TO AMEND CHAPTER ONE HUNDRED AND EIGHT OF BATTLE'S REVISAL, ENTILED "STATUTES REPEALED AND CONSTRUCTION OF."

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter ninety-nine, of the acts of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, ratified twenty-fourth day of February, one thousand eight hundred and seventy-five, entitled "an act to prevent obstruction to navigation in the waters of Newport river, Carteret county," is repealed. Chap. 99, sec. 2, acts 1874-'75, repealed.

SEC. 2. That section one of chapter one hundred and eight of Battle's Revisal, entitled "statutes repeal[ed] and construction of," is repealed. Chap. 108, sec. 1, Battle's Revisal, repealed.

SEC. 3. This act shall be in force from its ratification.

Ratified the 10th day of March, A. D. 1879.

CHAPTER 164.

AN ACT TO AUTHORIZE THE TOWN OF ASHEVILLE, IN THE
COUNTY OF BUNCOMBE, TO LEVY TAXES FOR THE SUPPORT
OF GRADED PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

Commissioners to
submit question to
vote of people,
when.

SECTION 1. That upon the petition of at least one hundred respectable citizens, being freeholders in the town of Asheville, in the county of Buncombe, praying that an annual tax be levied therein for the support of one or more graded schools in such town, it shall be the duty of the board of commissioners in and for said county of Buncombe to order and direct that the question whether such tax shall be levied be submitted to the qualified voters of such town at the different election places therein, as prescribed in Battle's Revisal, section fifty, chapter sixty-eight.

Election, how conducted.

SEC. 2. That at said election those who favor the proposition to levy said tax shall vote a ballot with the word "tax," and those who oppose shall vote a ballot with the words "no tax" printed or plainly written thereon, and in case a majority of the qualified voters at said election shall vote for said tax the same shall be levied and appropriated in said town in the manner prescribed by law for the levy and appropriation of other school funds: *Provided*, that the taxes so levied and collected shall not exceed one-tenth of one per cent. on the value of property, and thirty cents on the poll.

Levy of tax.

Proviso.

Salaries of principal and teachers.

SEC. 3. That the qualified principal of such graded school, and any other teachers therein, shall not be subject to the restrictions and limitations of salary as are imposed by section fifty-one, chapter sixty-eight, Battle's Revisal, but may be employed and paid such salary as the town school committee may deem just and reasonable.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 10th day of March, A. D. 1879.

CHAPTER 165.

AN ACT TO LEVY A SPECIAL TAX IN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact :

SECTION 1. The board of county commissioners of Perquimans county, North Carolina, are authorized and empowered to levy a special tax on the poll and property of said county to an amount not exceeding five thousand dollars, for the purpose of rebuilding the jail of said county, one-half of said amount to be levied and collected in the year one thousand eight hundred and seventy-nine, the other half to be levied and collected in the year one thousand eight hundred and eighty.

Authorized to levy special tax to rebuild jail.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified the 10th day of March, 1879.

CHAPTER 166.

AN ACT TO ENABLE COUNTY COMMISSIONERS TO ASCERTAIN THE COUNTY INDEBTEDNESS OF PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact :

SECTION 1. That the holders of all county warrants or orders, jury tickets, state witness tickets, and bonds, and all other papers purporting to be liquidated claims against

Evidences of indebtedness to be exhibited to register within six months.

the county of Pasquotank, held by the payee or endorsee of the same, or otherwise, be required to exhibit the same to the register of deeds of said county, at his office in Elizabeth City, within six months from the date of the ratification of this act, to the end that the same may be examined and noted by said register in a book to be kept by him with a view to ascertain the true indebtedness of the said county.

Publication of act. SEC. 2. That the county commissioners of the said county shall, as soon as possible after the ratification of this act, cause the same to be published for six consecutive months in some newspaper published in Elizabeth City, and such publication shall be deemed and taken to be a sufficient notice to the holders of such claims to exhibit them to the said register, as required by section one of this act, within the time specified in said section.

Failure to exhibit claim. SEC. 3. That any holder of such claims against the county of Pasquotank who shall fail to exhibit the same to the said register for the purpose aforesaid, within the time specified in section one of this act, shall be forever barred from the collection of the same or any part thereof.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 10th day of March, A. D. 1879.

CHAPTER 167.

AN ACT CONCERNING THE OFFICIAL BOND OF THE SHERIFF OF DARE.

The General Assembly of North Carolina do enact:

Commissioners authorized to accept bonds with certain penalties.

SECTION 1. That the board of commissioners of Dare county be authorized to accept the bonds of the sheriff

of that county, with the penalties as follows: the two bonds for the collecting and accumulating the taxes in double the amount of the same. The process bond in two thousand dollars.

SEC. 7. This act shall be in force from its ratification.

Ratified the 10th day of March, A. D. 1879.

CHAPTER 168.

AN ACT FOR THE RELIEF OF JOHN H. COX, SHERIFF OF PERQUIMANS COUNTY.

WHEREAS, John H. Cox, sheriff of Perquimans county, Preamble. was on the night of the sixth of February, one thousand eight hundred and seventy-nine, assaulted on the public highway in said county, by armed and masked men, and robbed of sixteen hundred and forty-two dollars, collected by him for the state taxes and belonging to the state, which he then had in hand *en route* to the express office to remit to the state treasurer;

AND WHEREAS, he has been so far unable to recover said sum of money or any part of the same: therefore

The General Assembly of North Carolina do enact :

SECTION 1. That John H. Cox, sheriff of Perquimans county, be allowed until the first day of February, Anno Domini one thousand eight hundred and eighty-one, to pay the treasurer the said sum of sixteen hundred and forty-two dollars, unless he shall sooner recover the same; and he and his sureties on his official bond shall be relieved until the expiration of the term hereby allowed of all penalties, forfeitures and liabilities by reason of not Time extended for settlement of state taxes.

paying over to the treasurer the said sum of which said sheriff was robbed.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 10th day of March, A. D. 1879.

CHAPTER 169.

AN ACT TO AUTHORIZE THE DIRECTORS OF THE WESTERN NORTH CAROLINA RAILROAD COMPANY TO EXPEND A PORTION OF THE APPROPRIATIONS TO SAID COMPANY FOR OPERATING EXPENSES.

The General Assembly of North Carolina do enact:

Authorized to expend not exceeding \$20,000 of appropriation for operating expenses.

SECTION 1. The board of directors of the Western North Carolina Railroad Company is hereby authorized, with the approval of the governor, to expend a sum not exceeding twenty thousand dollars per annum for operating and constructing said railroad out of any moneys authorized to be appropriated to said company, by virtue of section seven, chapter one hundred and six, of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, ratified the nineteenth day of February, Anno Domini one thousand eight hundred and and seventy-seven.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from its ratification.

Ratified the 10th day of March, A. D. 1879.

CHAPTER 170.

AN ACT TO EMPOWER THE COMMISSIONERS OF HAYWOOD COUNTY TO BUILD A COURT HOUSE.

The General Assembly of North Carolina do enact:

SECTION 1. The commissioners of Haywood county shall have full power and authority to make all necessary contracts for the building of a court house in the town of Waynesville in said county, and all contracts so made in pursuance of this act shall be binding upon said county: *Provided*, that before letting to contract the building of a court house or any part thereof, it shall be the duty of the county commissioners, and they shall have power and authority to call a meeting of the board of magistrates of said county, whose duty it shall be to select or designate a suitable site on which to build a court house in the town of Waynesville: *Provided further*, that a majority of the magistrates of said county shall constitute a quorum for the purpose herein mentioned.

Authorized to build a court house in Waynesville.

Proviso.

Proviso.

SEC. 2. Before letting the building or any part thereof to contract, the commissioners shall have a plan of said building, with specifications, which shall be approved by them, and recorded on the minutes of their proceedings and filed in the office of the register of deeds.

Plan and specification to be filed before contract made.

SEC. 3. The contract for said building shall be let to some responsible party or parties, from whom the commissioners shall take a bond with solvent securities for the faithful performance of the contract so let, which contract shall be reduced to writing, and signed by the chairman of the board of county commissioners for and in behalf of the county, and by the contractor, and shall be proven or acknowledged before the judge of probate of the county and registered in the office of the register of deeds.

Contractor to give bond.

Contract, how executed.

SEC. 4. After the building is let to contract, the commissioners shall appoint three discreet persons, citizens of

Building committee.

said county, who shall have no interest in the contract, and are not of kin to the contractor, and the persons so appointed shall be styled the building committee, whose duty it shall be from time to time to inspect and pass upon the material, and manner and character of the work, and file their report in writing at each regular meeting of the board of county commissioners.

Authority to issue bonds.

Denomination.

Rate of interest.

When due.

SEC. 5. In order to meet the contracts as made by this act provided, the commissioners of Haywood county shall have authority to issue bonds of the county in sums of one hundred dollars and less, but no bond shall be issued for a greater sum than one hundred dollars, which bonds shall bear interest at the rate of six per cent. per annum from the date of their issue until paid. The bonds for the cost of said building shall be due in one, two, three and four years from the date of their issue. That is, the bonds for one-fourth of the amount shall be due in one year, one-fourth the amount shall be due in two years, one-fourth the amount shall be due in three years, and one-fourth in four years, and shall be received in payment of county tax for the fiscal year preceding the date on which they fall due.

When bonds to be issued.

Building committee to make report.

Board of magistrates to receive building when completed.

SEC. 6. The commissioners shall have the power to issue bonds from time to time as the work progresses for two-thirds the value of the work performed, dividing the amount of bonds as provided in section two of this act, but in no case shall the bonds be issued until the building committee have examined the material and work and filed their written report, showing the same to be as provided in the contract, also stating the value thereof, which report shall be approved by the commissioners and recorded in the minutes of their proceedings.

SEC. 7. When the building shall be completed according to contract, the commissioners shall call a meeting of the board of magistrates, who shall pass upon and receive the same.

SEC. 8. When the building shall be completed and re-

ceived as provided in section seven of this act, the commissioners shall issue bonds of the county for the balance due, observing the same time for payment and amount of bonds as provided in section five of this act. When bonds to be issued for balance due.

SEC. 9. The commissioners shall have the power and it shall be their duty each year to levy a special tax upon the property and poll of the county to meet the payment of the bonds herein provided for, and interest as the same shall become due. Special tax.

SEC. 10. The bonds issued under this act shall be signed by the chairman of the board of county commissioners and countersigned by the register of deeds. Bonds, how signed.

SEC. 11. That no bonds shall be issued or tax levied under this act until the question shall be submitted to the qualified voters of said county at an election to be held under the direction of the county commissioners and approved by a majority of those voting thereon: *Provided*, that in levying said tax the constitutional Election. Provide. equation between the property and poll be observed.

SEC. 12. This act shall be in force from and after its ratification.

Ratified the 10th day of March, A. D. 1879.

CHAPTER 171.

AN ACT TO INCORPORATE THE BURGAW AND ONSLOW RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of constructing and maintaining a railroad from the town of Burgaw, in Pender county, to the navigable waters of New river, in Onslow county, the exact point at which the said railroad shall strike the waters of New river to be determined by a ma- Body politic.

jority of the stockholders in amount at their first meeting, R. R. Bridgers, Roger Moore, A. H. Bokkelin, W. L. De-Rossett, C. M. Stedman, Alfred Martin, F. W. Kerchner, A. Vollers, J. C. Hyer, M. M. Katz, Sol. Bear, A. H. Pad-dison, W. T. Bannerman, S. P. Hand, S. H. Moore, J. H. Brown, S. S. Satchwell, Bruce Williams, E. Porter, J. K. James, E. H. Shivar, D. R. Murchison, Dr. R. W. Ward, J. H. Mashbourne, Charles Lessesne, J. D. Costin, S. B. Taylor, L. W. Harget, Franklin Thompson, N. E. Arm-strong, D. E. Sandlin, E. L. Franks, Solomon Goonts, B. H. Williams, Council Davis, and H. H. Sandlin, and their successors, associates and assigns, are hereby constituted a body corporate, under the name and style of the Bur-gaw and Onslow Railroad Company, with a capital stock of three hundred thousand dollars, which shall have a corporate existence, and as such exercise the powers here-in granted in perpetuity as a body politic, and by that name may sue and be sued, plead and be impleaded in every court of the state, and may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying real and personal estate, and of acquiring the same by gift or devise, for the purpose herein contem-plate; and the said company shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government not inconsistent with the laws of the United States and the state of North Carolina.

Name.

Capital stock.

Powers, &c.

Subscriptions to capital stock.

SEC. 2. That the capital stock of said company may be created by subscription on the part of individuals, municipal or other corporations in shares of the value of fifty dollars each, which may be made in money, lands, labor or material to the construction of said railroad.

Books of subscrip-tion.

SEC. 3. That the corporators before named, or any three of them, are hereby authorized to open books of subscrip-tion at such times and places as they shall deem best, and under such rules and regulations as they may prescribe

and as soon after the passage of this act as they may deem necessary for the purpose of creating the capital stock of said company.

SEC. 4. That when the sum of ten thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the corporators above named (any three of them may act for the purpose) to call a general meeting of the stockholders of said company, of which said meeting due public notice for thirty days shall be given to the stockholders, which said notice shall specify the time and place of said meeting, and at which a majority of the stock subscribed shall be represented in person or by proxy; and such meeting of stockholders shall proceed to elect a board of directors, to consist of seven stockholders; and the said directors shall thereupon proceed to elect one of their number president, and elect such other officers as the by-laws of their company shall prescribe, and may do and perform all other acts necessary to the complete organization of said company and to carry into effect the objects of this charter.

SEC. 5. That whenever land shall be required for the construction of the road, or for depots, water-stations or other purposes, and for any cause the same cannot be purchased from the owners of said lands, the same may be acquired by the directors at a valuation to be ascertained as follows: The sheriff of the county in which the said land shall be situated shall, on the written petition of the president of said company, summon three disinterested freeholders of his county, who shall, under oath, ascertain the value of said lands; and upon the payment or tender by said president of the amount so assessed the title of the property so seized and appraised shall vest in said corporation: *Provided, however,* that either party may appeal to the superior court upon the question of the amount assessed: *And provided further,* that not more than sixty-five feet on each side of the road, measuring from its centre, shall be condemned: *Provided further,* this

Meeting of stockholders.

Board of directors.

President.

Authority to condemn land.

Valuation, how determined.

Provide.

road, its franchise and property shall not be exempt from taxation.

Gauge. SEC. 6. The gauge of the said Burgaw and Onslow Railroad shall be fixed by the stockholders of said company at their first meeting: *Provided, however,* that it may be changed from time to time as a majority of the stockholders in amount may agree at any regular meeting.

Authority to lease. SEC. 7. That said company shall have power to lease its franchises, or any part thereof for such time and upon such terms as may be deemed by the directors advantageous to the interests of the company.

Authority to borrow money, execute mortgages, &c. SEC. 8. That the president and directors of said company shall have power at any time to borrow money upon the bonds of the company, and to secure the same by mortgage or other legal assurances, and authority is hereby given the board of directors to issue bonds of said company for the construction and management of said road as the necessity for such issue may arise, and the said bonds so issued shall be signed by the president of said company, under its common seal, and under such rules and regulations as the company from time to time may adopt.

Exclusive right to transport freight, &c. SEC. 9. That said company shall have the exclusive right to carry and transport freight and passengers over and along said road, and at such rates as said company shall prescribe, subject to such general laws regulating the same as the general assembly may from time to time establish.

Penitentiary board to furnish convicts. SEC. 10. That the board of directors of the penitentiary shall, on application of the president of said company, approved by the governor, turn over to said company as many convicts as may be in the opinion of said president required on said road: *Provided,* that the number of convicts taken from the penitentiary shall not exceed two hundred: *Provided further,* that the provisions of this section shall not be so construed as to reduce the number of convicts employed on the Western North Carolina Rail-

Proviso.

Proviso.

road to less than five hundred, nor to reduce the number of convicts employed on any railroad or other work of internal improvement in this state now authorized by law to employ and use said convicts to less than the minimum number allowed on said railroads or other works of internal improvement.

SEC. 11. That any judge of the superior court, or any presiding officer of any court, holding their courts in the counties of Brunswick, New Hanover, Pender, Sampson, Duplin, Onslow and Jones may after the conviction and sentencing to imprisonment for a period less than one year of any person, upon the requisition of the president of said company, order, in his or their discretion, that such convicts shall be sent to work on said railroad, and the superintendent thereof shall report all such convicts to the warden of the penitentiary, and receipt shall be given for them to said warden.

Certain criminals in certain counties to work road.

SEC. 12. The board of directors of the penitentiary shall on application of the president of said road employ on said road, under the direction of the authorities of said road, and under such guards as may be necessary, as many convicts as in the opinion of the president of said road as may be required, not to exceed two hundred, said convicts to be governed by and according to prison rules and regulations, and under the supervision and control of a superintendent appointed by and subject to the penitentiary board: *Provided, however,* that the authorities of the road upon which said convicts may work shall pay the hire of the said superintendent, and guard, feed, clothe and properly care for the convicts while employed on said road.

Convicts, how employed and governed.

Provided.

SEC. 13. That it may be lawful for the Burgaw and Onslow Railroad Company to consolidate with the Wilmington and Weldon Railroad upon such terms as may be agreed upon by the directors of the said roads; that in case of such consolidation the Burgaw and Onslow Railroad shall become a branch of the Wilmington and

Authority to consolidate with W. & W. R. R.

Weldon Railroad, and as such enjoy all its privileges and advantages.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified the 10th day of March, A. D. 1879.

CHAPTER 172.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HARNETT COUNTY TO LEVY A SPECIAL TAX, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact :

Authorized to compromise and fund outstanding county debt.

SECTION 1. That the county commissioners of the county of Harnett be and are hereby authorized to compromise and fund the present outstanding indebtedness of said county, amounting in the aggregate to twenty thousand dollars or more, and for that purpose they are hereby authorized to issue coupon bonds to the amount of twenty thousand dollars, the same to be due and payable in ten years from the issue thereof, and to be of the denomination of one hundred dollars, two hundred dollars and five hundred dollars, proportioned as the said board may determine, the rate of interest not to exceed six per cent. per annum: *Provided*, said board may retain the option of paying the said bonds or any portion thereof before maturity.

To issue bonds.

Denomination.

Rate of interest.

Proviso.

Special tax.

SEC. 2. That for the purpose of paying annually the interest on the bonds to be issued in pursuance of this act, as well as to provide a sinking fund for the liquidation of the principal, the said board is hereby authorized to levy and collect annually for a period of ten years a special tax sufficient to pay the interest on the bonds and five per cent. of the principal thereof: *Provided*, the same

Proviso.

shall not exceed in any one year twenty-five cents on the one hundred dollars valuation of the taxable property in said county, and a tax upon each taxable poll, observing the constitutional equation in the levy and collection of the same.

SEC. 3. That the matured coupons upon said bonds shall be receivable in payment of all taxes levied under the provisions of this act. Coupons receivable for special tax.

SEC. 4. That the taxes collected in pursuance of this act shall be kept separate and distinct from all other county taxes, and shall be paid to the treasurer of said county, and by him, under the supervision of the board of commissioners, be applied exclusively to the payment of the said coupons, or to the purchase or liquidation of any of the said bonds; and any bonds thus bought or paid shall be delivered to the said board to be destroyed. Application of special tax.

SEC. 5. That any officer of said county, or any person having control of the money collected under this act, who shall misapply or use the same for any other purpose than as above provided, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court. Misapplication of fund by county officer. Misdemeanor.

SEC. 6. It shall be lawful for any officer in said county to purchase any of said coupons at such price as may be agreed upon between the purchaser and seller, to the amount of his individual county tax levied under this act, and for no greater sum in any one year. County officer authorized to purchase coupons to the amount of his special tax.

SEC. 7. The county commissioners of Harnett county shall within six months after the ratification of this act take steps to submit the question of levying the special tax herein provided for to the qualified voters of their county; and if a majority of such votes shall be in favor of levying the tax, then said commissioners shall be fully empowered to levy the aforesaid tax according to the provision of this act; but if a majority of said voters shall be against the levying of said tax, then the said commis- Election.

sioners shall not have any authority to proceed in the levying of said tax under the provision of this act.

SEC. 8. This act shall be in force from and after its ratification.

Ratified the 10th day of March, 1879.

CHAPTER 173.

AN ACT TO AMEND CHAPTER TWENTY OF LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact :

Chap. 20, sec. 1,
acts 1876-'77,
amended.

Commissioners ap-
pointed to receive
subscriptions to
build turnpike
from Marion to
Burnsville.

Route.

Width of road.

SECTION 1. That section one of chapter twenty of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven be amended to read as follows: That Jason Ballew, John Carson, John S. Brown, Thomas Young, G. D. Ray and Solomon W. Carter be and they are hereby appointed commissioners, with power and authority to open books of subscription and receive subscriptions to the amount of ten thousand dollars, which sum shall constitute the capital stock of the company, for the purpose of laying out, making and keeping in repair a turnpike, commencing at Marion, in McDowell county, and thence by way of John Carson's to the mouth of Buck Creek; thence up the same to Buck Creek Gap, on the Yancey county line; thence down the Still Fork of Toe river to Toe river; thence down the same to or near Hutchinson's farm; thence the most practicable route to Burnsville, in Yancey county; the said road to be sixteen feet wide, clear of obstructions except when side cutting is necessary, when it shall be not less than twelve feet wide, and of such easy grade as may be practicable. The said capital

stock shall be divided into shares of five dollars each, Capital stock. payable in labor, produce, money, or otherwise, as the board of directors may determine. When as much as one thousand dollars shall be subscribed the said commissioners shall notify the stockholders either personally Meeting of stockholders. or by advertisement in some newspaper circulating in Yancey and McDowell counties, to meet at such time and place as may be designated, for the purpose of organizing. If a majority of the shares subscribed shall be represented at such meeting it shall be lawful for them to elect a president, treasurer and five directors, who shall Officers. hold their places for one year and until their successors are chosen. The president and directors so chosen and their successors in office shall constitute a body politic Body politic. and corporate in law by the name and style of the Ma- Name. rion and Burnsville Turnpike Company, with all the usual powers and obligations pertaining to such corpora- Powers, &c. tions necessary to carry into effect the object of this incorporation. The said company shall have power to increase their capital stock from time to time as they may desire to any sum not exceeding ten thousand dollars. At all meetings of the stockholders each stockholder shall be entitled to cast one vote for each share of stock owned by him. The said company shall have power to employ an engineer to survey said road. They may likewise make by-laws for the government and regulation of the said company. The treasurer shall be required to give Treasurer to give bond. bond for the faithful discharge of his duties, and shall be Duties. required to keep books of his accounts and file reports showing the condition of the same annually and oftener if required to do so. When the said road shall be completed it shall be divided into two sections, one to embrace that part in McDowell county, and section two the Road to be divided into sections. part in Yancey county, on each of which at such points as the company may determine a toll gate may be erected, and the company may demand, receive and collect the following tolls at each gate: that is to say, for Tolls.

every six-horse wagon fifty cents, for every four-horse wagon thirty-five cents, for every two-horse wagon twenty cents, for every carriage forty cents, for every buggy twenty-five cents, one-horse wagon or cart fifteen cents, for every man and horse ten cents, every loose horse five cents, sheep and hogs two cents each, cattle three cents, for every odd horse or mule in a wagon ten cents extra.

Commissioners to
examine road,
how appointed.

When either section of said turnpike road shall be finished it shall be the duty of the board of county commissioners in which the section is located to select one person and the said company one person, with power in the two to select a third party, to act as commissioners to view the section finished, and if they shall decide that the same has been done in accordance with this charter, the toll gate aforesaid may be erected thereon immediately after such decision. This charter shall continue in force fifty years.

Amendment.

SEC. 2. That wherever the words "Buck creek" occurs in said act, they shall be stricken out, and the words "Marion and Burnsville Turnpike Company" inserted.

Damages to land.

SEC. 3. That if the owner of any land through which said road shall pass shall consider himself or themselves injured thereby, it shall be competent for such person or persons in writing to the county commissioners of the county in which the damage is done, praying for a jury to view the premises and assess the damages sustained; and it shall be the duty of the commissioners to order a jury to be summoned, as in case of public roads; and it shall be the duty of the jury to take into consideration the advantages to the land as the injury to the land by the making of the road, and upon report made to the commissioners the same shall be confirmed and damages paid out of the treasury of the county where the land lies, upon the order of said commissioners; either party may appeal when dissatisfied.

How assessed.

SEC. 4. That all laws and clauses of laws in conflict with

this act are hereby repealed, and this act shall be in force from and after its ratification.

Ratified the 10th day of March, A. D. 1879.

CHAPTER 174.

AN ACT TO PROVIDE FOR THE COMPLETION OF THE WESTERN ASYLUM FOR THE INSANE.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of carrying out the provisions of an act entitled an act to provide for the completion of the Western Asylum for the insane, ratified the seventh day of March, Anno Domini one thousand eight hundred and seventy-seven, the sum of twenty-five thousand dollars is hereby appointed [appropriated] for the year Anno Domoni one thousand eight hundred and seventy-nine, and the same amount for the year Anno Domoni one thousand eight hundred and eighty, to be paid by the treasurer of the state out of any funds in his hands, under and subject to the same restrictions as are imposed by the said act, chapter two hundred and four, of the acts of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven.

\$25,000 appropriated annually for two years for Western Asylum.

SEC. 2. That the sum of twenty thousand dollars is appointed [appropriated] for the further construction of the colored insane asylum near Goldsboro.

\$20,000 appropriated for colored asylum.

SEC. 3. This act shall be in force from its ratification.

Ratified the 10th day of March, A. D. 1879.

CHAPTER 175.

AN ACT TO AMEND AN ACT TO ESTABLISH A DEPARTMENT OF AGRICULTURE, IMMIGRATION AND STATISTICS, AND FOR THE ENCOURAGEMENT ON SHEEP HUSBANDRY, RATIFIED MARCH TWELFTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact :

Chap. 374, sec. 2,
acts 1876-'77,
amended.

SECTION 1. Section two of the above recited act shall be amended by striking out of the exceptions therein the words " president of the State Agricultural College," and also by striking out of the words which follow the word " compensation," and inserting the words " except their actual expenses while engaged in the duties of the board as herein prescribed."

Sec. 12 amended.

SEC. 2. Section 12 (twelve) of said act shall be amended by interchanging in the last clause of the first paragraph the words " board of trustees of the university" and the words " department of agriculture."

Sec. 14 amended.

SEC. 3. Section 14 (fourteen) of said act shall be amended to read as follows: " The state geologist, at the request of the trustees of the university, shall, whenever the board of agriculture shall deem it not interfering with the regular duties of his office, deliver at the university a course of free lectures on the geology and mineralogy of this state."

Secs. 19 and 20
repealed.

SEC. 4. Sections 19 and 20 (nineteen and twenty) are hereby repealed; and it shall be the duty of the treasurer, on the certificate of the auditor, to report to the sheriffs who have paid into the treasury the tax of fifty cents a ton, collected under said sections, the amount of such payment, to be repaid by such sheriffs to the parties from whom they collected the same.

Sec. 13 amended.

SEC. 5. Section 13 (thirteen) of said act is hereby amended by adding the words: " And the board of agri-

culture are hereby authorized to pay the rent and other necessary expenses of the geological museum; and they may authorize and supervise the publication by the public printer of the second volume of the "Geology of North Carolina," as soon as ready, and may furnish the necessary maps and other engravings for its proper illustration; and in like manner they may authorize the printing, by the public printer, in pamphlet form, for free distribution, such parts of volumes one and two as they may deem advisable. And they may furnish copies of volume two to state, college and other public libraries, to geologists and other scientific men, and to every newspaper in the state, and shall furnish the secretary of state a copy for each county, to be forwarded with other public documents to the clerk of the superior court and to other persons at the cost of paper and printing.

SEC. 6. The act of the general assembly, ratified Chap. 203, acts
day of, one thousand eight hundred and sev- 1871-'72, repealed.
enty-two, entitled "An act to prevent frauds in the sale
of commercial fertilizers," is hereby repealed.

SEC. 7. This act shall be in force from its ratification.

Ratified the 10th day of March, A. D. 1879.

CHAPTER 176.

AN ACT FOR THE RELIEF OF FARMERS AND OTHERS FROM PAYMENT OF SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for the aldermen or other authorities of any city in the state of North Carolina to impose any tax whatever on wagons or carts Unlawful for city authorities to tax vehicles selling farm products, &c.

selling farm products, garden truck, fish and oysters on the public streets of said cities.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 177.

AN ACT TO EMPOWER THE WESTERN NORTH CAROLINA RAILROAD COMPANY TO MAKE TERMS WITH THE CHESTER AND LENOIR NARROW GAUGE COMPANY.

The General Assembly of North Carolina do enact:

Authorized to contract with C. & L. N. G. R. R. Co. to lay third rail.

SECTION 1. That the president and directors of the Western North Carolina Railroad Company are hereby authorized to make such terms with the president and directors of the Chester and Lenoir Narrow Gauge Railroad Company as will enable and permit the said Chester and Lenoir Narrow Gauge Railroad Company to lay down a third rail upon the road-bed of the said Western North Carolina Railroad Company, between the towns of Newton and Hickory, in the county of Catawba, of the same gauge as is the remainder of their road from Chester to Lenoir; and upon the agreement by the authorities of the said railroad companies [on] such terms as may be just and reasonable, the said Chester and Lenoir Narrow Gauge Railroad Company is hereby authorized to lay down a third rail as aforesaid in this act.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 178.

AN ACT TO AMEND SECTION FIRST, CHAPTER TWO HUNDRED AND SIXTY, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, PROHIBITING THE SALE OF LIQUOR IN CERTAIN LOCALITIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section first, chapter two hundred and sixty, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended by striking out in the tenth line thereof the words, "Hickory Grove Church and." "Hickory Grove Church," stricken out.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 179.

AN ACT TO CORRECT AN ERROR IN THE ACT TO COMPROMISE, COMMUTE AND SETTLE THE STATE DEBT.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of an act to compromise, Sec. 2 amended. commute and settle the state debt, ratified the fourth day of March, one thousand eight hundred and seventy-nine, be amended by inserting after the words "one hundred dollars" the words "five hundred dollars," the same having been omitted in the enrollment of the act.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 180.

AN ACT TO COMPROMISE, COMMUTE AND SETTLE THAT PORTION OF THE STATE DEBT KNOWN AS THE WILLIAMSTON AND TARBORO RAILROAD.

Preamble.

WHEREAS, the Seaboard and Raleigh Railroad Company, chartered by the general assembly of North Carolina, session one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, has been graded from Williamston to Tarboro, a distance of thirty-three miles, all bridges necessary upon said road built, cattle guards put in, and eight miles of track ironed ;

AND WHEREAS, the state of North Carolina did by an ordinance of the convention of one thousand eight hundred and sixty-eight, chapter twenty, authorize an issue of bonds to the amount of one hundred and fifty thousand dollars to aid in the completion of said Williamston and Tarboro road now known and chartered as the Seaboard and Raleigh Railroad, said bonds only to be delivered to the company when the grading from Williamston to Tarboro was completed ;

AND WHEREAS, the company duly performed its part of the contract and received as compensation therefor, as stipulated, said one hundred and fifty thousand dollars of convention bonds, with interest coupons attached, and raised money on the same for their road ;

AND WHEREAS, by reason of the non-payment of the interest, said bonds now amount to the sum of two hundred and twenty-six thousand dollars ;

AND WHEREAS, said company is desirous of completing with all despatch their line, and especially that portion, to aid which said convention bonds were issued, to-wit : from Tarboro to Williamston ;

AND WHEREAS, it can now control said bonds on terms most beneficial to the state and to the road, now therefore

The General Assembly of North Carolina do enact:

SECTION 1. The public treasurer is hereby directed to exchange, upon the terms provided in this act, for the said one hundred and fifty thousand (face value) dollars of old bonds, new bonds of the same nature and kind as those prescribed in an act passed at this session of the general assembly, entitled "an act to commute, compromise and settle the state debt," at the rate of thirty-three and one-third per cent. of the principal of said old bonds; said new bonds shall be of the same class as those issued under the aforesaid act, and all the provisions of said act shall apply to these bonds with respect to the payment of the bonds, rate of interest and payment of coupons, their reception for taxes and in every other respect, and the amount of bonds issued under this act by the state shall not exceed fifty thousand dollars.

Treasurer authorized to exchange new bonds for old at 33 1/3 per cent. of principal.

Description of bonds.

Bonds issued not to exceed \$50,000.

SEC. 2. Before any of said bonds shall be issued the said company shall under the direction of the attorney general of the state execute a first mortgage on all the property of said railroad company of every description from Tarboro to Williamston; the mortgage bonds shall not bear a less rate of interest than the new state bonds, and the interest shall be due and payable at the same time as the aforesaid state bonds to be issued to said company, and the said mortgage shall contain a provision for the foreclosure in default of payment of principal or interest.

Railroad company to execute mortgage.

Mortgage bonds.

Foreclosure.

SEC. 3. That the said railroad company shall deposit with the state treasurer its mortgage bonds as aforesaid dollar for dollar as it receives from the state its new bonds as aforesaid.

Mortgage bonds to be deposited with treasurer.

SEC. 4. The total amount of the first mortgage bonds issued by said company as aforesaid shall never exceed five thousand dollars per mile for the number of miles actually graded and ironed at the time of issue as long as the state bonds aforesaid are outstanding, and the proceeds of said state bonds shall be used solely for the superstructure of said railroad.

Mortgage bonds not to exceed \$5,000 per mile of road graded and ironed.

Proceeds of state bonds, how used.

Commissioners to be appointed by governor.

Duties.

Company authorized to take up its mortgage bonds with state bonds issued under "act to commute and compromise the state debt."

SEC. 5. That the governor shall appoint three commissioners, who shall receive from the state treasurer the aforesaid new bonds as from time to time they are issued in exchange on the said *pro rata* for the old state bonds, and who shall pay them over to said railroad company only at the rate of three thousand dollars in bonds per mile for each mile of iron duly certified and proven to them [and] certified to the governor to have been laid, until the whole amount as prescribed in this act is issued.

SEC. 6. That said railroad company shall at any time before the maturity of said bonds have the right to surrender to the public treasurer new bonds of the state issued under the act of this session entitled "an act to commute and compromise the state debt," of the amount of its mortgage bonds aforesaid deposited with the public treasurer as aforesaid, and thereupon its mortgage bonds to the amount of such new state bonds shall be surrendered to the said company.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 181.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF McDOWELL COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Authorized to levy special tax for payment of county indebtedness.

SECTION 1. That the commissioners of McDowell county be and they are hereby authorized and empowered to levy a special tax for the payment of county indebtedness of not more than three thousand dollars, which tax shall be levied on all taxable property and polls of said county. The whole may be levied for the year one thousand eight

hundred and seventy-nine, or a part may be levied for that year and a part for the year one thousand eight hundred and eighty, at the option of said county commissioners, subject to the second section: *Provided*, the constitutional equation between polls and property shall be observed in the levy of said tax.

SEC. 2. That before the commissioners of said county shall levy the tax provided for in first section of this act, they shall give to each justice of the peace in said county notice at what time they will meet at the court house for the purpose of determining the question of levying said tax, and at the time specified in said notice the commissioners shall meet at the court house such justices of the county as may appear, and together with such justices, provided a majority of said justices are present, shall vote upon the question whether or not said tax shall be levied. The vote of each commissioner and justice of the peace shall be recorded upon the record of commissioners' court and how they voted. If upon the vote a majority of the commissioners and justices are in favor of levying said tax, then the board of commissioners shall proceed to levy the said tax according to provision of the first section of this act. If a majority shall be against levying of such tax, then it shall not be lawful for the tax to be levied until such time as a majority of such votes taken as provided above shall be in favor of levying the tax.

Levy of tax to be determined at joint meeting of commissioners and justices of the peace.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 182.

AN ACT CONCERNING RECEIVING FREIGHT AND SHIPMENT OF
THE SAME, AND CHANGE OF RATES FOR TRANSPORTATION
BY RAILROAD AND OTHER TRANSPORTATION COMPANIES.*The General Assembly of North Carolina do enact :*Railroads, &c., to
receive and for-
ward freights.

SECTION 1. That agents or other officers of railroads and other transportation companies in this state whose duty it is to receive freights shall receive all articles of the nature and kind received by such company for transportation whenever tendered at a regular depot, wharf or boat landing, and shall forward the same by the route selected by the person tendering the freight under existing laws of this state; and the transportation company represented by any person refusing to receive such freight shall be liable to a penalty of fifty dollars, and each article refused shall constitute a separate offence.

Penalty for re-
fusal.To keep posted a
list of freight
charges.

SEC. 2. It shall be the duty of all railroad and other transportation companies in the state to keep posted in a conspicuous place in their depots or places where freight is received for shipment a list of its charges for carrying freight, specifying name of place, class of freight and charge for carrying the same. Such charges shall not be increased without giving fifteen days' notice, and the company represented by any agent refusing to comply with this section shall be liable to a penalty of not less than fifty nor more than [one] hundred dollars.

Not to be increased
without notice.

Penalty.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 183.

AN ACT TO AMEND SECTION THREE HUNDRED AND FORTY-THREE OF CHAPTER SEVENTEEN, BATTLE'S REVISAL.

The General Assembly of North Carolina do enact :

SECTION 1. That section three hundred and forty-three of chapter seventeen, Battle's Revisal, be amended as follows: After the word "suits," in the last line of said section, add: "*Provided*, that no person who is a party to a suit now existing or which may hereafter be commenced in any court in North Carolina that is founded on any judgment rendered previous to the first day of August, one thousand eight hundred and sixty-eight, or on any bond under seal for the payment of money or conditioned to pay money, executed previous to the said first day of August, one thousand eight hundred and sixty-eight, shall be a competent witness; but the rules of evidence in force when said judgment was rendered or said bond under seal was executed shall be applicable to said suit.

Chap. 17, sec. 343, Battle's Revisal, amended.

A party to an action on a judgment rendered or bond executed prior to August, 1868, not a competent witness.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 184.

AN ACT TO PREVENT OVERCHARGES IN THE SALE OF PRODUCE.

WHEREAS, the practice has become common amongst the commission merchants and others to include in their bill of charges on produce and commodities consigned to them for sale many items [which] in reality have not

Preamble.

been incurred or paid by them, to the detriment of the consignee of such produce and other commodities: to remedy the injustice,

The General Assembly of North Carolina do enact :

Unlawful for commission merchant to make charges on sales for expenses not actually incurred.

SECTION 1. It shall not be lawful for any commission merchant or any other person who sell produce or any commodity on consignment to include in his bill of charges or to exact the payment of any item of expense, whatever the custom may be, which said commission merchant or other person selling on consignment has not really and *bona fide* incurred and paid in the necessary expenses of sale of such produce or commodity. But this act shall not apply to forbid such commission merchant or other person from exacting and retaining the amount of his commission or [on] sales to which he may be entitled by contract or custom.

Not to apply to commissions.

Penalty.

SEC. 2. Any commission merchant or other person who may be guilty of violating this act shall be fined fifty dollars for each offence, to be recovered upon information in writing or oath by the party aggrieved to his or her own use before any justice of the peace having jurisdiction of the offence.

SEC. 3. All laws and clauses of laws contrary to this act are hereby repealed from and after the ratification of this act.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 185.

AN ACT TO DEFINE THE MEANING OF FALSE PRETENSE.

The General Assembly of North Carolina do enact :

SECTION 1. That if any person shall obtain any advances in money, provisions, goods, wares or merchandise of any description, from any other person in this state upon any representation that the said person so obtaining has any article of produce or other property of whatever nature which or the proceeds of which the said party will apply to the discharge of said debt created for advances as aforesaid, and the said party shall fail to apply said produce or other property upon the strength of which said advances were obtained, or the proceeds thereof, or shall dispose of the same in any other manner than that agreed upon by the parties to the transaction, the said party so failing or disposing shall be deemed guilty of obtaining goods under false pretense, the same whether the party so obtaining did or did not have the produce or other property as represented.

Obtaining advances upon representation of ownership of property and promise to apply the same to satisfaction of debt and failing so to do.

SEC. 2. All laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 186.

AN ACT TO AMEND AN ACT TO DEFINE FALSE PRETENSE,
RATIFIED THE ELEVENTH DAY OF MARCH, ANNO DOMINI
ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

The General Assembly of North Carolina do enact :

SECTION 1. That no person shall be indicted or punished for violating any of the provisions of "an act to

False representation to be in writing.

Failure to apply
property, &c., to be
wilful.

define false pretense," ratified the eleventh day of March, Anno Domini one thousand eight hundred and seventy-nine, unless the "representation" upon which the credit was given or the "advances" obtained shall be in writing and signed by the party making such "representation," nor shall any such person be punished for failing to apply the property on which he shall have obtained "advances" in the manner so agreed upon, unless such failure to so apply the same shall be wilful.

SEC. 2. This act shall be in force from its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 187.

AN ACT TO PROVIDE FOR THE SUPPORT OF THE NORTH CAROLINA INSTITUTION FOR THE DEAF AND DUMB AND THE BLIND FOR THE YEARS ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE AND ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

The General Assembly of North Carolina do enact :

\$32,500 appropri-
ated annually for
two years.

SECTION 1. That the sum of thirty-two thousand and five hundred dollars be and is hereby appropriated for the support of the Institution for the Deaf and Dumb and the Blind during the year one thousand eight hundred and seventy-nine, and that the same amount be and is hereby appropriated for the support of this institution for the [year] one thousand eight hundred and eighty.

Public treasurer
directed to pay the
same.

SEC. 2. That the public treasurer is hereby authorized and directed to pay the amount appropriated by section first of this act to the treasurer of said institution out of any funds allowed by law for the support of said institution or out of any money in the treasury not otherwise appropriated: *Provided*, that the amount appropriated for

each year shall be drawn quarterly in advance in equal ^{Payable quarterly.} installments during the years of which said appropriations is made, upon the order of the president of the board of trustees.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 188.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE OXFORD AND HENDERSON RAILROAD COMPANY," RATIFIED THE TWENTY-FIFTH DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifty (150) of ^{Chap. 150, acts 1870-'71, amended.} the acts of one thousand eight hundred and seventy and seventy-one, ratified the twenty-fifth day of March, one thousand eight hundred and seventy-one, and entitled "an act to incorporate the Oxford and Henderson Railroad Company," be so amended as to authorize the said Oxford and Henderson Railroad Company, in constructing the said railroad, to make the track or tracks thereof of such gauge as they may choose and to change the ^{Gauge.} same at their pleasure.

SEC. 2. That the provisions of section seven (7) of the said act shall be deemed to extend to and include every ^{Every incorporated town in Granville county authorized to subscribe to capital stock.} incorporated town in the county of Granville, and they or any of them may subscribe to the capital stock of said railroad company in the manner therein prescribed.

SEC. 3. That the board of commissioners of Granville ^{Election in townships, when held.} county is authorized whenever twenty-five tax-payers of any township of said county shall in writing request

How held. that a proposition to subscribe a specific sum to the capital stock of said Oxford and Henderson Railroad Company may be submitted to the voters of such township, to cause an election to be held in said township, at the different precincts therein, after due notice and publication in the usual manner of said election, and to submit to the qualified voters of such township the question of subscribing to the capital stock of said railroad company the sum of money specified in the written request of the taxpayers calling for said election as aforesaid, at which election those in favor of said subscription shall deposit their ballot "for subscription," and those opposed shall deposit their ballot "against subscription." The return of said election shall be made to the board of commissioners aforesaid, who shall canvass the same, and if a majority of all the votes cast shall be for subscription then the subscription so authorized shall be made to the capital stock of said railroad company for said township by any agent properly commissioned to do so by the board of county commissioners. Any township subscribing as aforesaid to the capital stock of said Oxford and Henderson Railroad Company shall be entitled to be represented in all general meetings of the stockholders; and for this purpose the justices of the peace of such township may, from time to time, under their hands and seals, commission some suitable person to represent the township in said meeting: *Provided*, a majority of the justices of such township may make out said commission: *And provided further*, that a commission so made out shall be good for one year and until another is made out as herein provided.

Return.

Township to be represented in stockholders' meetings.

Justices to appoint representative.

Proviso.

County commissioners to issue bonds in payment of township subscription.

SEC. 4. That in payment of any subscription, made as provided in the next preceding section, the board of commissioners of Granville county shall have power to issue bonds to an amount not exceeding the sum so authorized to be subscribed, and such bonds shall indicate on account of what township subscription they were issued. Said

bonds shall be in denominations of not less than one hundred dollars nor more than one thousand dollars, and shall run ten (10) years, and shall have coupons attached calling for interest at the rate of six (6) per cent. per annum, payable semi-annually, on the principal of each bond.

Description of bonds.

SEC. 5. That to provide for the interest on said bonds and their redemption at maturity, the board of commissioners of said county of Granville shall in addition to the other taxes each year compute and levy upon all property in each of the townships so subscribed[ing] to the capital stock of said railroad company a sufficient tax to pay the interest on the bonds issued on account of the subscription of said township, and to provide a sum equal to one-tenth of said subscription for a sinking fund, which amount shall be annually paid over to the county treasurer and invested by him in the bonds issued on account of the subscription of said township at par; and the amount of taxes collected for each of said townships for interest shall be paid to the county treasurer, and used by him in the prompt and regular payment of the coupons upon the bonds issued on account of the subscription of said township.

Special tax to be levied to pay interest on bonds, &c.

Sinking fund.

Taxes to be paid to county treasurer, &c.

SEC. 6. That in addition to the powers conferred upon said railroad company by the act aforesaid, they shall have all the powers and enjoy all the privileges and immunities possessed or enjoyed by any other railroad in this state. This act shall not apply to Henderson township.

Corporate power.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 189.

AN ACT TO REGULATE THE SIZE OF FISH PACKAGES.

The General Assembly of North Carolina do enact :

Size of barrels.

SECTION 1. That all fish packed for market in this state shall be packed in barrels of the following dimensions, to-wit: thirteen inches in diameter at the head on the inside of the staves, which staves shall be twenty-five inches in length, and confined by at least ten hoops to each barrel.

Misdemeanor to use barrels of smaller dimensions.

SEC. 2. That any person packing or offering for sale fish in barrels of less dimensions than is provided for in the first section of this act, shall for each offence be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days, or both, at the discretion of the court: *Provided*, that the provisions of this act shall not apply to persons packing fish in pork barrels.

Proviso.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 190.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-TWO, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact :

Chap. 122, acts 1876-77, amended.

That chapter one hundred and twenty-two of the laws of one thousand eight hundred and seventy-six and one

thousand eight hundred and seventy-seven be and the same is hereby amended as follows:

SECTION 1. That it shall be the duty of the board of county commissioners of Mecklenburg county to maintain and keep in repair the public fence between the said county and the county of Iredell, and between the said county and the county of Union at the expense of the said county of Mecklenburg.

Public fences between Mecklenburg county and Iredell and Union counties to be kept in repair at expense of Mecklenburg.

SEC. 2. That in case in the opinion of the said board of commissioners the said fences or either of them can be dispensed with, by reason of the adoption of similar acts for said counties of Iredell and Union, or either of them, then and in that case the said board of commissioners are hereby authorized to sell said fences and to carry the proceeds thereof into the public treasury of the county.

When county commissioners authorized to sell fence, &c.

SEC. 3. That the said board of commissioners are hereby authorized to appropriate out of any moneys in the county treasury not otherwise appropriated a sum not exceeding seven hundred dollars to pay off any balance due parties for money borrowed and expended by them in the erection of said fence.

Balance due for erecting fence, how paid.

SEC. 4. That this act be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 191.

AN ACT TO RE-CONVEY TO F. D. KOONCE, OF ONSLOW COUNTY,
A HOUSE AND LOT IN THE CITY OF WILMINGTON, HERETO-
FORE SOLD FOR TAXES.

The General Assembly of North Carolina do enact :

SECTION 1. The secretary of state is hereby directed to re-convey to F. D. Koonce and his heirs the following de-

Secretary of state authorized to re-convey.

Description of
property.

scribed house and lot heretofore sold for taxes, and purchased by the state, to-wit: a house and lot in the city of Wilmington, lying on the north side of Market street between Eighth and Ninth streets, formerly the property of Mrs. Ann Koonce.

Act not to be in
force until unpaid
taxes, costs, &c.,
are paid.

SEC. 2. This act shall not be in force until the said F. D. Koonce or his legal representatives shall pay to the secretary of state the taxes due and unpaid on said property, together with all costs and legal charges and twenty-five per cent. due the state in addition thereto.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 11th day of March, 1879.

CHAPTER 192.

AN ACT TO AID IN THE CONSTRUCTION OF THE STATESVILLE AIR LINE RAILROAD.

The General Assembly of North Carolina do enact :

Penitentiary board
to furnish con-
victs.

SECTION 1. That for the purpose of aiding in the construction of the Statesville Air-Line Railroad, the authorities of the penitentiary are hereby authorized and required, upon the application of the president of said railroad or his agent, to turn over to such president or his agent one hundred and fifty able-bodied convicts to work on said road, out of any number of convicts that may be on hand or that may have been assigned to any other works of internal improvement, where they have not been called for, or where there has been more assigned than the works to which they have been assigned can work to advantage, subject, however, to a *pro rata* divide as may be hereafter agreed to by any law or resolution that may be passed by this general assembly, and subject

to all the rules, regulations and restrictions provided for in [an] act passed at this general assembly allowing convict labor to the said Statesville Air-Line Railroad, to which said act this is a supplement.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1879.

CHAPTER 193.

AN ACT FOR THE RELIEF OF THE BLIND.

The General Assembly of North Carolina do enact:

SECTION 1. That the judge of probate, sheriff and county commissioners of each county shall constitute a board or committee, to be styled a committee for the relief of the blind and maimed.

County committee for the relief of the blind and maimed.

SEC. 2. It shall be the duty of the judges of probate to notify all persons in their respective counties who lost their sight, or both hands, or both feet, in the Confederate service to appear at the court house before said committee with proof as to how he or they lost their sight or limbs.

Persons who lost sight or limbs in the confederate service to make proof before committee.

SEC. 3. All persons entitled to the benefit of this act shall receive from the public treasury sixty dollars per annum for the term of their natural life, to be paid monthly by the judge of probate.

To receive \$60 per annum from public treasury.

SEC. 4. The judge of probate under his seal of office shall certify to the governor, giving the name and the number of the blind examined in his county embraced in the provisions of this act, upon which the governor is authorized to issue his warrant to the treasurer to pay the sum of sixty dollars for each blind and maimed person named in the certificate, and the judge of probate

Judge of probate to certify list to governor.

How money to be paid.

will pay out such money monthly to the parties entitled to the same.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1879.

CHAPTER 194.

AN ACT TO REQUIRE TOWN AND CITY CONSTABLES TO MAKE MONTHLY REPORTS.

The General Assembly of North Carolina do enact:

Town and city
tax-collectors to
make monthly set-
tlements.

SECTION 1. That each town and city constable, or any other officer authorized by any corporate town or city to collect taxes, shall make a monthly settlement of all moneys coming into his hands with the town treasurer or other officer authorized to receive the same.

Failure to settle,
&c.

SEC. 2. That any constable or public collector of taxes for any corporate town or city who shall fail to make settlement and full return of all moneys and fines coming into his hands each and every month with the town or city treasurer or other officer authorized to receive the same, shall be guilty of [a] misdemeanor, and on indictment and conviction shall be fined not less than five dollars and not more than twenty dollars and imprisoned not less than twenty days.

Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1879.

CHAPTER 195.

AN ACT TO PAY OFF THE INDEBTEDNESS OF THE INSANE
ASYLUM.

WHEREAS, the present board of directors on taking ^{Preamble.} charge of the insane asylum March first, one thousand eight hundred and seventy-eight, found an indebtedness of about five thousand dollars arising from a deficiency in the appropriation for the previous year, which said indebtedness was paid and settled from the appropriation of one thousand eight hundred and seventy-eight;

AND WHEREAS, from actual necessity the expenditures in one thousand eight hundred and seventy-eight, for new boilers, tanks, piping, fixtures and other permanent improvements, replacing those worn out by the use of more than twenty years, the sum of eight thousand six hundred and ninety-eight (\$8,698.00) [dollars] of the said appropriation was expended, for which the sum of only two thousand dollars had been specifically appropriated: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of eight thousand dollars be ^{\$5,000 appropriated.} and the same is hereby appropriated out of the fund authorized by law to be levied and collected, or out of any fund in the treasury not otherwise appropriated, for the payment of the said deficiencies.

SEC. 2. The said sum of eight thousand dollars shall ^{How drawn and disbursed.} be drawn and disbursed for the said purpose and in the same manner and under the same rules and regulations as are now or may be hereafter prescribed for the payment of the ordinary annual appropriation for the support of the asylum.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1879.

CHAPTER 196.

AN ACT TO LEVY A SPECIAL TAX IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact :

Commissioners authorized to levy special tax.

SECTION 1. That the board of county commissioners of Pasquotank county are authorized and empowered to levy and collect a special tax of five thousand dollars, twenty-five hundred dollars to be levied and collected in the year one thousand eight hundred and seventy-nine, and twenty-five hundred [dollars] or less to be levied and collected in the year one thousand eight hundred and eighty.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified the 12th day of March, A. D. 1879.

CHAPTER 197.

AN ACT TO PREVENT THE FELLING OF TIMBER OR OTHERWISE OBSTRUCTING THE WATERS OF ROCKFISH AND DOCTOR'S CREEKS AND OTHER STREAMS IN THE COUNTY OF DUPLIN.

The General Assembly of North Carolina do enact :

Misdemeanor to obstruct certain streams in Duplin county.

SECTION 1. That any person who shall fell any timber or brush, or place any fish-hedge in or otherwise obstruct the free passage of the waters of Rockfish and Doctor's creeks, or any other stream in the county of Duplin that may be habitually worked and cleaned by the citizens for the purpose of navigation or drainage of lands, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten

Penalty.

nor more than fifty dollars, or imprisoned for not less than ten nor more than thirty days.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1879.

CHAPTER 198.

AN ACT TO PREVENT TRAMPS INFESTING OR DEPREDATING ON CITIZENS OF THIS STATE.

The General Assembly of North Carolina do enact:

SECTION 1. Any person going about from place to place Going about from place to place, begging, &c. begging and asking or subsisting on charity, shall be taken and deemed a tramp, and shall be punished by Penalty. imprisonment in the county prison not more than six months: *Provided*, that any person who shall furnish satisfactory evidence of good character shall be discharged Proviso. without cost.

SEC. 2. Any tramp who shall enter any dwelling house Tramp entering dwelling-house, &c. or kindle any fire on the highway or on the land of another without the consent of the owner or occupant thereof, or shall be found carrying any fire arms or other dangerous weapon, or shall threaten to do any injury to any person or to the real or personal estate of another, shall be punished by imprisonment at the discretion of Penalty. the court, not to exceed twelve months.

SEC. 3. Any tramp who shall wilfully and maliciously Wilful injury to any person, &c. do any injury to any person or to the real or personal estate of another, shall be punished by imprisonment at Penalty. the discretion of the court, not to exceed three years.

SEC. 4. Any act of begging or vagrancy by any person What constitutes a "tramp." unless such are well known objects of charity, shall be

evidence that the person committing the same is a tramp within the meaning of this act.

Tramps to be arrested, &c.

SEC. 5. Any person upon a view of any offence described in this act shall cause the said offender to be arrested upon a warrant and taken before some justice of the peace, or may apprehend the offender and take him before a justice of the peace for examination, and on his conviction shall be entitled to the same fee as a sheriff.

Act not applicable to females, &c.

SEC. 6. This act shall not apply to any female or minor under the age of fourteen years, nor to any blind person.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1879.

CHAPTER 199.

AN ACT TO AUTHORIZE THE CALDWELL AND WATAUGA NARROW-GAUGE RAILROAD TO CHANGE ITS GAUGE.

The General Assembly of North Carolina do enact:

Authorized to adopt any gauge.

SECTION 1. That the Caldwell and Watauga Narrow-Gauge Railroad is hereby authorized and permitted to adopt such gauge as in the opinion of its stockholders and directors will best serve their interest, and that they be allowed to contract with, or lease, or be leased to any connecting road for the purpose of a general railroad business over such roads, and that any connecting roads in this state may have the privilege of this act at the option of their president, stockholders and directors.

To lease road, &c.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1879.

CHAPTER 200.

AN ACT IN REGARD TO ADDITIONAL DISQUALIFICATION OF JURORS.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be a disqualification and ground of challenge to any tales juror that such juror has acted in the same court as grand or petit juror within two years next preceding such terms of the court.

Tales juror disqualified by previous service within two years as grand or petit juror.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1879.

CHAPTER 201.

AN ACT TO ASCERTAIN THE INDEBTEDNESS OF MADISON COUNTY.

WHEREAS, uncertainty and doubt exists as to the *bona fide* indebtedness of Madison county; therefore,

Preamble

The General Assembly of North Carolina do enact:

SECTION 1. That all claims against said county of whatsoever character shall be presented to the chairman of the county commissioners by the first day of January, Anno Domini one thousand eight hundred and eighty-one, or the holder thereof shall be forever barred of a recovery thereof.

Claims against county to be presented to chairman of county commissioners.

Recovery, when barred.

SEC. 2. That it shall be the duty of the chairman of the board of county commissioners of Madison county to cause the nature, amount and date of all claims so presented to be recorded in a book to be kept for that pur-

Record of claims presented to be kept.

pose; said book to have an index and the claim to be entered alphabetically, and to be kept as a record of all claims now outstanding against the said county, and of all those that may hereafter be issued.

Notices.

SEC. 3. That for the purpose of this act, the board of county commissioners of Madison county shall cause a copy of section one of this [act] to be made and posted up in the most public place in each township in said county for a period of six months prior to the first day of January, Anno Domini one thousand eight hundred and eighty, said notice to be signed by the board of county commissioners.

SEC. 4. That all acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1879.

CHAPTER 202.

AN ACT TO DEFINE THE DUTIES OF SHERIFFS PERFORMING THE DUTIES OF COUNTY TREASURER.

The General Assembly of North Carolina do enact:

Bond of sheriff
acting as county
treasurer to cover
liabilities as treas-
urer.

May be increased
by county com-
missioners.

"County treasur-
er," how con-
strued.

SECTION 1. That in counties where the office of county treasurer has been or hereafter may be abolished, and where the sheriff is authorized to perform the duties of county treasurer, the bond he gives as sheriff shall be construed to include his liabilities and duties as such county treasurer, and may be increased to such amount by the county commissioners as they may deem necessary to cover the trust funds coming into his hands.

SEC. 2. Wherever the words "county treasurer" is used in any of the statute laws of this state now in force

or hereafter to be passed, it shall be construed to refer and include the person authorized by law to perform the duties of that office in any county if there be no county treasurer therein.

SEC. 3. This act shall be in force from and after its passage.

Ratified the 12th day of March, A. D. 1879.

CHAPTER 203.

AN ACT TO AMEND AN ACT PASSED AT THIS SESSION OF THE GENERAL ASSEMBLY ENTITLED AN ACT TO PREVENT THE DESECRATION OF THE SABBATH DAY.

The General Assembly of North Carolina do enact :

SECTION 1. That an act entitled an act to prevent the desecration of the Sabbath day, passed at this session of the general assembly, be amended as follows: strike out all of section second and insert the following:

SEC. 2. That no railroad company shall permit any car, train of cars or locomotive to be run on Sunday on any road within this state, except such as may be run for the transportation of the United States mails, and except such as shall be run for carrying passengers exclusively, or with the United States mails: *Provided*, that the word Sunday as used in this act shall be construed to embrace only that part of the day between sunrise and sunset: *Provided further*, that trains *in transitu*, having started on Saturday, may in order to reach the terminus or shops run until nine o'clock, a. m., on Sunday, but not later nor for any other purpose than to reach the terminus or shops.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

Section 2 of act amended.

No train, &c., to run on Sunday except for carriage of U. S. mails or passengers.

Meaning of "Sunday."

Trains in transitu.

CHAPTER 204.

AN ACT TO PROTECT FISH IN THE WATERS OF LIMESTONE CREEK AND OTHER STREAMS IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to take fish by stirring, muddying or poisoning waters.

SECTION 1. That it shall be unlawful for any person to take any fish from the waters of any stream in the county of Duplin by stirring or muddying or poisoning at any season of the year.

Unlawful to take perch or bream by shooting or netting, &c.

SEC. 2. It shall be unlawful to take any fish of the kind known as perch or bream by shooting or netting in the day time or in any manner by fire light from any of said streams between the first day of May and the fifteenth day of August in each year.

Unlawful to take fish by hand seining from Limestone creek.

SEC. 3. It shall be unlawful to take any fish by hand seining from the waters of Limestone creek in said county.

Misdemeanor.

SEC. 4. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty dollars, or imprisoned not less than ten nor more than twenty days.

SEC. 5. All laws in conflict with this act are hereby repealed.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 205.

AN ACT TO INCORPORATE THE ROXBORO AND
NARROW-GAUGE RAILROAD.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be lawful for J. A. Long, Samuel P. Satterfield, A. R. Foushee, J. M. Barnett, D. U. K. Richmond, W. F. Reade, U. T. Noell, T. H. Stout, N. Lumford, J. D. Walker, T. J. Montague, J. J. Brooks, Dr. Robertson, Montford McGehee, J. W. Cunningham, C. S. Winstead, A. J. Hester, Robert Hester, John S. Coleman, W. H. Long and Thomas Briggs, or any five of them, to open books of subscription of capital stock of the Roxboro and Narrow-Guage Railroad Company, at such times and places as they may determine upon, and whenever twenty thousand dollars shall have been subscribed by persons and corporations, and five per cent. thereon paid, the subscribers may organize the company, and thenceforth they and such other persons as shall afterwards be associated with them shall be a corporation under the name of the Roxborough and Narrow-Gauge Railroad Company (and by the said name and style of the Roxborough and Narrow-Guage Railroad Company shall have power to sue and be sued, plead and be impleaded) for the purpose of constructing and operating a narrow-guage railroad from Roxborough, North Carolina, to Milton, North Carolina, Danville, Virginia, South Boston, Virginia, Oxford, North Carolina, Durham, North Carolina, [and] Hillsborough, North Carolina, it being left to the said company to accept either of the points designated that may be considered the most feasible, upon the condition that said road shall not be constructed north of Milton in case Danville shall be determined upon as the terminus. And the name of the place to which said road shall be extended shall be inserted, and shall make the

Commissioners to
open books of sub-
scription.When company
organized.

Name.

Powers, &c.

Termini.

Name.	name of said company complete, and shall be subject to all the laws of North Carolina applicable to railroad companies and not inconsistent with the provisions of this act.
Capital stock.	SEC. 2. The capital stock of said company shall not be less than twenty thousand dollars, nor more than four hundred thousand dollars, to be divided into shares of fifty dollars each, and the stockholders shall be entitled to one vote for every two shares of stock owned by them in all meetings of the stockholders. Subscriptions to the capital stock of said company may be made by individuals, railroad companies, counties, cities and towns, in money, credits, labor, material, machinery or land, and said company may also acquire land by gift or purchase, and shall have power to hold and sell the same for the construction or repair of their road, for depots, or other necessary purposes.
Subscriptions, how made.	
Meeting of stockholders.	SEC. 3. The persons hereinbefore named or any five of them whenever ten thousand dollars have been subscribed may by publication for twenty days in some newspaper call a meeting of the subscribers, who shall in general meeting proceed to organize the company by the election of a president and six directors, and the president and directors so elected shall have control of all the operations and business of the company, and appoint such officers and agents as they may deem necessary for the management of its affairs, subject to such by-laws as the company may adopt, but no subscriber shall vote at the organization of the company who has not paid ten per cent. on his stock.
President and directors.	
Officers.	
Valuation of land condemned, how determined.	SEC. 4. Whenever the company and the land owners cannot agree for the use of the land along the line of the company's road commissioners shall be appointed as provided for by law to ascertain the value of the same. Said commissioners so appointed shall on ascertaining the damages take into consideration the advantages and benefits to accrue to such land owner by the construction of said road through his or her land.

SEC. 5. It shall be lawful for any railroad company con- Any railroad com-
 tiguous to said narrow-gauge railroad to subscribe to and pany authorized
 own an amount of its stock not exceeding one-third part to subscribe.
 thereof.

SEC. 6. Said company may borrow such sums of money Authorized to
 as it may deem necessary for the construction and busi- borrow money.
 ness of its road, and may execute liens on its property, Execute liens.
 franchises and revenue to secure payment of the princi-
 pal and interest of such loans, and may farm out or lease Lease road, &c.
 its road-rights and franchises to individuals or corpora-
 tions, and it shall be lawful for the company organized
 under this charter, if necessary or expedient, to consoli-
 date, merge and amalgamate with any railroad company Merge with other
 organized under the laws of this state for the construc- road, &c.
 tion of said road from to in
 such manner and upon such terms as may be agreed upon
 and accepted by both of said companies.

SEC. 7. This act shall be in force from and after its pas-
 sage.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 206.

AN ACT TO PROVIDE COMMUTATION FOR EDMUND D. GADDY
 AND W. ALLEN, DISABLED SOLDIERS.

WHEREAS, the general assembly of North Carolina by Preamble.
 various acts and resolutions has provided commutation
 to those of its disabled soldiers who lost limbs in the late
 war;

AND WHEREAS, Edmund D. Gaddy and W. Allen has
 since the passage of said acts and resolutions lost a limb
 by reason of a gunshot wound received during the war,
 and has not had the benefit of said acts, &c.; therefore,

The General Assembly of North Carolina do enact :

Fifty dollars each
allowed E. D.
Gaddy and W.
Allen.

SECTION 1. That the governor is hereby authorized to cause to be paid to Edmund D. Gaddy, of Anson county, and W. Allen, of Robeson county, the sum of fifty dollars each, and he shall draw his warrant upon the treasurer for said sum, and said treasurer shall pay the same out of any money not otherwise appropriated.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 207.

AN ACT TO AMEND SECTIONS THREE AND FOUR OF CHAPTER EIGHTY, BATTLE'S REVISAL.

The General Assembly of North Carolina do enact :

Chap. 80, sec. 3,
Battle's Revisal,
amended.

Justification of
sureties on official
bonds.

Sec. 4 amended.

Execution of
bonds.

SECTION 1. That sections three and four of chapter eighty of Battle's Revisal be amended by inserting after the word "commissioners," in the third and fourth lines of said sections, the words "or clerk of the superior court."

SEC. 2. That section four of said chapter eighty of Battle's Revisal be amended by inserting after the word "commissioners," in the fifth line of said section, the words "or clerk of the superior court."

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 208.

AN ACT TO AUTHORIZE THE COUNTY OF EDGEcombe TO FUND ITS FLOATING DEBT.

The General Assembly of North Carolina do enact :

SECTION 1. That in order to fund the just debt of the

county of Edgecombe outstanding and due prior to the first day of April, one thousand eight hundred and seventy-nine, and incurred for the necessary expenses of the county, the commissioners of said county are hereby authorized to issue coupon bonds not to exceed twenty thousand dollars, in denominations of not less than one hundred dollars nor more than five hundred dollars, with coupons attached calling for interest at the rate of six per cent. per annum on the principal of each bond, and said interest as evidenced by the coupons aforesaid being due and payable on the first day of April in each and every year.

Authorized to
issue bonds not
exceeding \$20,000.

Description of
bonds.

SEC. 2. Said bonds shall be dated as of the first day of April, one thousand eight hundred and seventy-nine, and shall be due ten years after date; that is to say, on the first day of April, one thousand eight hundred and eighty-nine: *Provided*, that the commissioners of said county may pay any or all of said bonds at any time after the first day of April, one thousand eight hundred and eighty-one. They shall be signed by the chairman of the board of commissioners, countersigned by the clerk of the board of the commissioners, who shall keep a book suitable for the purpose in which he shall keep an accurate account of the number of bonds issued and the amount of each bond issued and the person to whom payable. Said clerk of the board shall also keep an accurate account of the coupons and bonds which shall be paid, taken or otherwise cancelled, so that by an inspection of said books the true state of the bonded debt herein provided for may be seen and easily ascertained. Said books shall at all times be open to the inspection of any tax-payer of the county, and any clerk of the board, county officer or other person having custody of said books who shall refuse or wilfully neglect to afford such inspection shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned in the discretion of the court.

Bonds, when due.

Proviso.

How signed, &c.

Record of bonds
issued.

Record of coupons
and bonds can-
celled.

Open to inspec-
tion.

Misdemeanor.

Board of audit.

Chairman.

Vacancy.

Term of office.

Duties.

SEC. 3. That Frederick Phillips, T. H. Gathie, John Norfleet, J. H. Baker and N. M. Lawrance be and they are hereby constituted and appointed a special board of audit on behalf of the tax-payers of said county, to audit, scrutinize and examine into all claims contracted before the first day of April, one thousand eight hundred and seventy-nine, for necessary current expenses of the county. They shall elect one of their number chairman, and any vacancy occurring shall be filled by the remaining number. Said special board of audit shall continue in existence until the first day of April, one thousand eight hundred and eighty. It shall be their duty to compromise and settle on such terms as they may think legal, just and equitable the claim aforesaid by recommending to the board of commissioners the amount which should be allowed on each claim, and if said board of commissioners concur the bond or bonds shall be issued according to the provisions of this act. No bond shall be issued without the concurrence of the special board of audit. Whenever a claim is presented to the board of audit it shall be their duty to make inquiry concerning its origin and its consideration, and if in their judgment it ought not be paid, they shall reject it or they may recommend the payment of such part as they may deem equitable and just; and if the creditor consent to receive a bond for such claim he shall surrender his claim in full, and the evidence of it, whether in judgment, county warrant or otherwise, shall be cancelled or marked satisfied. No claim shall be allowed for more than its par value.

SEC. 4. The coupons on the bonds provided for by this act shall be receivable in payment of county taxes.

SEC. 5. This act shall take effect from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 209.

AN ACT TO PROHIBIT THE TAKING OF FISH IN CONETO
CREEK IN PITT COUNTY.*The General Assembly of North Carolina do enact :*

SECTION 1. That all persons are hereby prohibited from taking fish out of the waters of Coneto creek in Pitt county, A. C., at any point between G. A. Stancell's mills (formerly Brown's) and Roberson's bridge, near Susan Roberson's, on the road leading from W. H. Stancell's to Penny Hill, with any net, seine, striking-iron, or any other device whereby fish may be caught except the usual mode of angling with hook and line: *Provided, however,* that gill-nets may be used in said waters from the twentieth day of October in each year until the twentieth of March in each and every year, but at no other time.

Unlawful to take fish in Coneto Creek between certain points, otherwise than by angling.

Provided.

SEC 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed twenty dollars, or imprisoned not more than thirty days.

Misdemeanor.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 210.

AN ACT TO AID IN THE COMPLETION OF THE SPARTANBURG
AND ASHEVILLE RAILROAD COMPANY.*The General Assembly of North Carolina do enact :*

SECTION 1. That the penitentiary board be and they are hereby authorized and directed to hire to the Spar-

Penitentiary board to furnish convicts.

Proviso.

tanburg and Asheville Railroad Company one hundred convicts, provided it can be done without decreasing the number on the Western North Carolina or Cape Fear and Yadkin Valley Railroad below five hundred: *Provided*, that this bill shall not decrease the convict force allowed at this session of the general assembly to White Oak Swamp and Angola Bay: *Provided*, it does not take away any convicts heretofore granted to any other work or to the counties of Robeson or Columbus.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 211.

AN ACT TO CHARTER THE THOMASVILLE AND ALBEMARLE RAILROAD COMPANY.

The General Assembly of North Carolina do enact :

Incorporation au-
thorised.

Route.

Powers, &c.

SECTION 1. That a company may be formed with a capital stock not exceeding one million of dollars, to be divided into shares of one hundred dollars each, to be called and known as the Thomasville and Albemarle Railroad Company, for the purpose of constructing a railroad from Thomasville, Davidson county, over the most practicable route to Jackson Hill, Davidson county, thence to Albemarle, Stanly county, North Carolina; and such company, when formed as hereinafter directed, shall have power to receive, possess, own and transfer real and personal property and estate, to have a common seal, and to pass such by-laws not inconsistent with the laws of this state as may be necessary to carry out the objects of the corporation, and shall be capable in law of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies under the laws of this state, and to have ex-

clusive right to transfer and carry persons, produce, merchandise, stock, lumber and minerals on and along such railroad at such prices as they may fix.

SEC. 2. That for the purpose of creating the capital stock of such company James A. Leach, L. W. Elliott, J. H. Lambeth, K. P. Lambeth and Green H. Lee, of Thomasville; James Miller, J. M. Badget, W. P. Redwine and Stephen Bailey, of Jackson Hill; V. Mauney, S. J. Pemberton, J. M. Redwine, J. O. Ross, J. T. Redwine, or any five of them, are hereby appointed commissioners, whose duty it shall be as soon after the passage of this as they may think best, appoint such commissioners or agents as they may wish to open books of subscription at such places and at such times as to them shall seem best, under such rules and regulations as they may prescribe. Such subscriptions or any part thereof may be received, payable in money, land labor or material necessary in the construction of said road, bonds, stocks or other valuable credits in such manner and on such terms as shall be agreed upon between said company and such subscribers. But each subscriber shall at the time the subscription is taken by the commissioners or agent pay in not less than five dollars in cash on each share subscribed. The remainder in quarterly payments at such times as the directors hereinafter created shall demand to build said road. If any subscriber shall fail to pay the full amount of one share he shall lose the amount paid. If the company shall fail to commence work on said road on account of the insufficiency of stock subscribed or for any other cause, then and in that case the money shall be refunded to the original subscriber.

Commissioners appointed to open books of subscription.

Subscriptions, how paid.

Cash subscriptions, how payable.

SEC. 3. That whenever the sum of eight thousand dollars shall have been subscribed to the capital stock of said company it shall be the duty of the commissioners above named (or any five of them may act) to call a general meeting of the stockholders after giving such notice as to them shall seem sufficient, and at such times and

Meeting of stockholders.

Notice.

Quorum.	<p>places as they shall determine. Not less than a majority of all the stock subscribed shall constitute a quorum for the transaction of business. The stockholders when so met in general meeting shall have power, and it shall be their duty, to elect a president and seven directors for said company, whose term of office shall be for one year and until others are chosen. On the election on president and directors, and in enacting such laws as may be necessary, the stockholders may be entitled to vote one vote for each share owned.</p>
President and directors. Term of office.	<p>SEC. 4. That it shall be the duty of the president and directors of said company to appoint a treasurer who shall remain in office such a length of time as the company in their by-laws shall determine. The president and directors shall have general direction and management of the affairs of said company, and shall appoint some suitable person as engineer, whose duty it shall be to make the necessary surveys for the location of said railroad and furnish the president and directors with reports of said survey and estimates of cost; said directors shall have power to fill any vacancy that may occur in their board until their next meeting; they shall also appoint a secretary whose duty it shall be to keep a fair and correct record of the proceedings of said board, and all proceedings of the stockholders' meetings.</p>
Secretary.	<p>SEC. 5. That whatever lands shall be required for the construction of the road, or for warehouses, depots, water-stations, turnouts, workshops, or for other building purposes, and the owner will not give said land to the company, or for any cause the same cannot be bought from the owner at a fair valuation, the same may be taken by the directors at a fair valuation, to be ascertained upon the oath of five disinterested freeholders of the county, to be summoned by the sheriff, they first deducting the enhanced value of the land caused by said railroad, and upon the payment or the tender by the president of the amount so assessed, the title of the property so seized and appraised shall</p>
Authority to condemn land.	
Valuation, how ascertained.	

thereby rest in said corporation : *Provided*, that not more Proviso. than fifty feet from the centre of the road shall be allowed to be so condemned.

SEC. 6. That for the purpose of securing the building Authority to mortgage, &c. of said road, the company shall [have] power to mortgage, sell or lease the same with all its franchises or any part thereof.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 212.

AN ACT TO PREVENT THE SALE OR GIVING AWAY OF SPIRITUOUS LIQUORS OR WINES WITHIN TWO MILES OF ANY PLACE AT WHICH POLITICAL SPEAKING TAKES PLACE.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to Sale or giving away of liquor &c., prohibited. sell or to give away, either directly or indirectly, any spirituous liquors, wine, or bitters containing alcohol, within two miles of any place in this state at which political public speaking shall be advertised to take place and does take place, this prohibition to continue only during the Continuance of prohibition. day on which said public political speaking shall take place.

SEC. 2. Any person who shall be found guilty of viola- Misdemeanor. ting this enactment shall be fined not less than ten dollars nor more than twenty dollars, or imprisoned not more than twenty days.

SEC. 3. Justices of the peace shall have original juris- Justices of the peace to have jurisdiction of offences under this act. diction of the offence above described, upon view or written information duly sworn to, but subject to appeal by

by either party to the superior court of the county in which the offence happens.

SEC. 4. This act shall not apply to incorporated towns.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 213.

AN ACT FOR THE RELIEF OF LAND OWNERS WHOSE LAND HAS BEEN SOLD TO THE STATE FOR TAXES.

The General Assembly of North Carolina do enact :

Redemption of
land purchased by
state for taxes.

SECTION 1. That if any person whose land has been sold to the state for taxes shall within one year from the ratification of this act pay to the treasurer the taxes due at the time of the sale of such land, and also all taxes that may have accrued since such sale, together with all costs and expenses and also the sum of ten per cent. upon the amount due at the time of the sale, such person shall be entitled to receive a deed of re-conveyance from the secretary of state upon exhibiting such tax receipts and paying the secretary the sum of one dollar for making out such deed.

Applicable only to
land purchased
prior to January
1st, 1879.

SEC. 2. This act shall only apply to land sold to the state for taxes prior to the first day of January, Anno Domini one thousand eight hundred and seventy-nine.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 214.

AN ACT TO AUTHORIZE GRANVILLE COUNTY TO FUND ITS
FLOATING DEBT.

The General Assembly of North Carolina do enact :

SECTION 1. That in order to fund the just debt of Granville county, due prior to the first day of January, Anno Domini, one thousand eight hundred and seventy-nine, and incurred for the necessary expenses thereof, the board of commissioners of said county is hereby authorized to issue bonds not to exceed thirty thousand dollars in amount, in denominations of not less than twenty-five nor more than five hundred dollars, with coupons attached calling for interest at the rate of four per cent. per annum on the principal of said bonds, said coupons to be due and payable on the first day of January in each and every year.

Board of commissioners authorized to issue bonds.

Description of bonds.

SEC. 2. Said bonds shall be dated as of the first day of January, Anno Domini one thousand eight hundred and seventy-nine, and shall run ten years from said date, but shall be payable at the option of the board of commissioners of said county at any time after the first day of January, Anno Domini one thousand eight hundred and eighty-one. They shall be numbered, and shall be signed by the chairman of the board of commissioners, and countersigned by the clerk of said board, who shall keep a book suitable for the purpose in which he shall keep a true and accurate account of the number and denomination of each bond issued, and the person to whom payable. He shall also keep in said book a true and accurate account of the coupons and bonds which shall be paid or taken up, or otherwise cancelled. Said book shall at all times be open to the inspection of any and all tax-payers of the county; and any clerk of the said board, county officers, or other person having the custody of said book,

Bonds, when payable.

How signed.

Clerk to keep record of bonds issued.

Of coupons and bonds cancelled.

Record open to inspection.

Penalty for refusal to exhibit record.

who shall refuse or wilfully neglect to afford such inspection, shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned, in the discretion of the court.

Commissioners to audit claims, &c.

SEC. 3. It shall be the duty of the said board of commissioners carefully to examine all claims presented to be funded under this act and to reject any that may be unjust, and to compromise such as are excessive with the

To compromise excessive claims.

holders thereof on terms equitable and just to the county, and no bond shall be issued for or on account of any such excessive claim until the same has been compromised as herein provided, nor for any greater amount than the sum agreed on in such compromise; and the holders of such compromise claim shall surrender it in full, and the evidence of it, whether in judgment, county warrant or otherwise shall be cancelled. No claim shall be allowed for more than its par value. No creditor whose claim has not been funded shall be entitled to any part of the funds that may be raised by the special tax herein provided for.

No bond to be issued for excessive claim until compromised.

No claim allowed for more than par value.

Funded claims alone entitled to benefits of special tax.

Commissioners authorized to levy and collect special tax.

SEC. 4. To pay the interest on the bonds herein provided for and to raise a fund sufficient for the payment of the principal, the board of commissioners of said county of Granville is hereby authorized to levy and cause to be collected in the same manner and under the same regulations as other county taxes are required to be levied and collected, a special tax sufficient to pay the said interest and one-tenth part of the principal of said debt; and it shall be the duty of the said board of commissioners to apply and use the funds so collected for the payment of the principal of said debt for the satisfaction and payment of the bonds aforesaid, which they are hereby authorized to call in for that purpose at any time after the first day of January, Anno Domini one thousand eight hundred and eighty-one.

Application of tax.

Coupons receivable for county taxes.

SEC. 5. The coupons on the bonds issued under this act shall be receivable in payment of county taxes: *Provided*, the county commissioners shall have no power to levy a

special tax until the question shall have been first submitted to the qualified voters of the county at the next general election. No special tax to be levied until question submitted to vote.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 215.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF RICHMOND COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Richmond county be and they are hereby authorized and empowered to levy a special tax in one thousand eight hundred and seventy-nine at the same time with the other levies on all subjects of taxation in said county, the said special tax to be applied to building a jail in said county. Authorized to levy special tax to build jail. That said special tax shall not exceed five thousand dollars and shall be collected and accounted for by the sheriff or other collecting officer in the same manner, under the same penalties and within the same time as the other taxes levied in said county: *Provided*, the constitutional equation between polls and property shall be observed in the levy of said special tax. Limitation of tax. How collected, &c.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 216.

AN ACT TO AMEND CHAPTER EIGHTY-SEVEN, SECTIONS THIRTY-FOUR, THIRTY-FIVE, THIRTY-SIX AND THIRTY-SEVEN OF BATTLE'S REVISAL.

The General Assembly of North Carolina do enact :

Chap. 87, sec. 84.
Battle's Revisal,
amended.

Commissioners of
navigation for port
of Hatteras Inlet.

Commissioners for
port of Ocracoke
Inlet.

Duties.

Offices of boards.

Dues from pilots.

SECTION 1. That chapter eighty-seven, Battle's Revisal, section thirty-four, be amended so as to read as follows : John W. Robinson, R. R. Quidley, George L. Styron, William Balance and Charles L. Odine shall constitute a board of commissioners of navigation for the port of Hatteras Inlet, of the county of Dere ; David Tolson, W. H. Balance [and] Christopher O'Neal, of the county of Hyde, and William Dixon and Solomon Dixon, of the county of Carteret, shall constitute a board of commissioners of navigation for the port of Ocracoke Inlet whose duty it shall be to meet at Hatteras and Ocracoke respectively three times in each year, or a majority of the respective boards, after giving at least twenty days' notice of each meeting, and when any [person] is desirous of becoming a pilot at Hatteras or Ocracoke inlets, over the Swashes through Pamlico and Albemarle sounds, he shall be examined by said boards and when found competent to take charge of any ship or vessel as a pilot the board shall issue to him a branch and take the bond prescribed by law, and no person shall be prescribed to act as a bar or swash pilot unless he shall have a branch from said boards. The said boards shall have their offices at Hatteras and Ocracoke respectively, in which shall be filed the bonds of the pilots, and every pilot receiving a branch from said boards shall pay to the board from which he receives such branch, two dollars and fifty cents, of which sum, the commissioners of Ocracoke who live in Carteret [county] shall receive ten cents per mile travelling to and from the meeting of said board, and the residue shall be

divided between all the members of said board, and that the commissioners shall belong to each board respectively. When a vacancy shall occur in either board by death, resignation or refusal to act, a majority thereof of each board shall appoint some suitable person thereto, whose residence shall be at the same place where the vacancy occurred; said commissioners shall keep a regular journal of their proceedings, and before entering on the duties of the office they shall take and subscribe before any justice of the peace of the counties of Dare, Carteret or Hyde, the following oath: "I do solemnly swear that I will truly and faithfully and impartially examine every person who shall apply to me for a branch, to the best of my ability: So help me God." The branch shall expire in three years from the date thereof.

Vacancies.

Commissioners to keep journal.

To take oath.

Expiration of branch.

SEC. 2. That section thirty-five shall be amended to read "boards," instead of "board," in line one.

Sec. 35 amended.

SEC. 3. That section thirty-six, lines one and five, shall be amended so as to read "boards" instead of "board."

Sec. 36 amended.

SEC. 4. That as much of section thirty-seven of said chapter as may conflict with this act is hereby repealed.

Sec. 37 repealed so far as inconsistent with this act.

SEC. 5. This act shall be in force from and after the first day of May, one thousand eight hundred and seventy-nine.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 217.

AN ACT CONCERNING CIVIL ACTIONS FOR THE RECOVERY OF DEBTS CONTRACTED FOR THE PURCHASE OF LANDS.

The General Assembly of North Carolina do enact :

SECTION 1. In all civil actions for the recovery of a debt contracted for the purchase of land it shall be the duty

Complaint in action to recover debt contracted for

purchase of land,
what to set forth.

of the plaintiff to set forth in this complaint that the consideration of the debt sued on was the purchase money of certain land, describing said land in an intelligible manner, such as the number of acres, how bounded and where situated.

If answer denies
that debt was con-
tracted for pur-
chase of land, is-
sue to be submit-
ted to jury.

SEC. 2. If the defendant shall deny in his answer that the obligation sued on was for the purchase money of the land described in the complaint it shall be the duty of the court to submit the issue so joined to the jury.

Form of judgment
and execution, up-
on judgment for
plaintiff.

SEC. 3. If the answer does not deny the said allegation so set forth in the complaint, or if the said issue shall be found by the jury in favor of the plaintiff, it shall be the duty of the court to have embodied in the judgment that the debt sued on was one contracted for the purchase money of said land, describing it briefly; and it shall also be the duty of the clerk to set forth in the execution that the said debt was one contracted for the purchase of said land, the description of which shall be set out briefly as in the complaint.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 218.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY-SIX OF THE LAWS OF EIGHTEEN HUNDRED AND SEVENTY-SIX AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact:

Chap. 196, sec. 1,
acts 1876-'77,
amended.

SECTION 1. That section one, chapter one hundred and ninety-six, of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven be amended by adding at the end of the said sec-

tion, the following: "*And provided further*, that it shall not be lawful to farm out any such convicted person who may be imprisoned for the non-payment of a fine, or as punishment imposed for the offence of which he may have been convicted, unless the court before whom the trial is had shall in its judgment so authorize.

When unlawful to farm out convict.

SEC. 2. That this act shall be in force from its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 219.

AN ACT TO PREVENT THE ENTICING OF SEAMEN FROM VESSELS.

WHEREAS, in the city of Wilmington commerce is greatly embarrassed and impeded by reason of certain evil-designing persons inducing seamen in the employment of domestic and foreign vessels to desert therefrom.

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That any person or persons who shall induce any seaman in the employment of any domestic or foreign vessel in any of the ports of North Carolina to leave any such vessel before their time of service shall have expired, shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Misdemeanor to induce seaman to leave vessel before expiration of time of service.

SEC. 2. Any person or persons who shall secrete or harbor any such seaman who has deserted from any domestic or foreign vessel, in the localities above named, knowing that such seaman or seamen have deserted, shall be guilty of a misdemeanor and be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Misdemeanor to wilfully harbor seaman who has deserted.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 220.

AN ACT TO PROVIDE FOR THE REGISTRATION OF CERTAIN DEEDS AND OTHER INSTRUMENTS OF WRITING AND TO MAKE VALID THE REGISTRATION OF OTHERS.

The General Assembly of North Carolina do enact :

Time for registering certain deeds extended for two years.

SECTION 1. That all deeds and other instruments of writing allowed or required to be registered within or by a certain time, and which have not been proven and registered within or by the time may be proven and registered at any time within two years from and after the ratification of this act under the same rules and regulations as heretofore required by law.

Deeds, &c., proved but not registered, may be registered, when, &c.

SEC. 2. That all deeds and other instruments of writing allowed of and required to be registered which have been heretofore proved or acknowledged and the private examination taken of *femes covert*, if any executing the same, and certified according to the existing law but not registered, shall with certificate be registered by the register of the proper county upon payment to the judge of probate of such county or other officer authorized by law to admit such deeds to probate, for such register, the registration fee as prescribed by law, and presentation of such deeds or other instruments of writing with such certificate to such register for registration at any time within two years from and after the ratification of this act; and the registration of such deeds and other instruments of writing herein provided for, as well as the registration of all deeds and other instruments of writing allowed or re-

Registration fee.

quired to be registered which have been heretofore registered, but not by or within the time required by law, shall be as valid and effectual in law as if the same had been before duly registered in all respects according to law: *Provided*, that this act shall not apply to deeds of *Proviso*. trust, mortgages or marriage settlements.

SEC. 3. This act shall take effect from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 221.

AN ACT TO AMEND SECTION ONE HUNDRED AND FIFTY-SIX,
CHAPTER THIRTY-TWO, BATTLE'S REVISAL.

The General Assembly of North Carolina do enact:

SECTION 1. That section one hundred and fifty-six, (156) Chap. 32, sec. 156,
chapter thirty-two of Battle's Revisal be and is hereby Battle's Revisal,
amended by adding at the end of said section the follow- amended.
ing words: "*Provided, however*, for reasons which they may Execution of capi-
deem good and sufficient, the county commissioners may tal felons.
otherwise order."

SEC. 2. This act shall be in force from its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 222.

AN ACT TO SECURE HOLDERS OF POLICIES OF FIRE INSU-
RANCE IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section eleven of chapter one hundred Chap. 157, sec. 11,
and fifty-seven of the acts of the general assembly of one acts 1876-77,
amended.

Fire insurance companies required to deposit \$10,000 with public treasurer.

Proviso.

Proviso.

Failure of company to pay judgment recovered by citizen of this state on policy issued in this state.

Treasurer to raise a sufficient amount upon deposit to discharge judgment. Notice to company.

Deposit to be increased to \$10,000 before company can transact further business. Fee to treasurer.

Applicable to companies against which final judgments have been obtained.

thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, ratified twelfth March, one thousand eight hundred and seventy-seven, be amended so as to read as follows: That after sixty days from the passage of this act it shall not be lawful for any fire insurance company or association to transact any business or receive any premium upon risk against loss by fire until it shall have deposited with the public treasurer of this state ten thousand dollars in United States bonds: *Provided*, that this section shall not apply to those companies or associations that invest all their assets in this state: *Provided*, that this act shall not be construed so as to deprive any company making such deposits of bonds from using the coupons or such bonds while they are so deposited.

SEC. 2. That upon the failure of any defendant company to satisfy and pay any final judgment recovered by any citizen of this state upon any policy of insurance issued in this state within ninety days after the rendition of such final judgment, then, upon the filing with the public treasurer of a transcript of such judgment, he shall raise upon such securities deposited by such defendant company by sale or otherwise a sufficient sum to discharge such judgment, interest and costs, which he shall so apply; that he shall thereupon notify such defendant company of the amount by which its deposits have been so reduced, and thereafter it shall not be lawful for such company to transact any other business in this state until it shall have increased its deposits to the required sum.

SEC. 3. That each company making deposits under this act shall, on doing so, pay to the public treasurer a fee of ten dollars, and the like sum whenever any additional deposits shall be made with him as is above provided.

SEC. 4. That this act shall apply to fire insurance companies and their deposits against which final judgments have been obtained in any of the courts of this state.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 223.

AN ACT TO ALLOW THE CITIZENS OF JACKSON COUNTY TO PASS THROUGH THE TOLL-GATES OF MACON COUNTY FREE OF CHARGE, ALSO TO ALLOW THE CITIZENS OF MACON COUNTY TO PASS THROUGH THE TOLL-GATES OF JACKSON COUNTY FREE OF CHARGE.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for any citizen of Jackson county to pass through any toll-gate or gates in Macon county free of charge: *Provided*, that nothing in this act shall be understood to authorize the citizens of Jackson county to pass toll free through the gate at or near Nantihala mountain in Macon county.

Citizens of Jackson to pass through toll gates in Macon free of charge. Proviso.

SEC. 2. That it shall be lawful for any citizen of Macon county to pass through any toll-gate or gates in Jackson county free of charge.

Citizens of Macon to pass through toll gates in Jackson free of charge.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 224.

AN ACT TO EXTEND THE TIME TO REDEEM LAND SOLD FOR
TAXES AND BOUGHT BY THE STATE.

Preamble.

WHEREAS, heretofore there have been various tracts of land in the state of North Carolina sold for taxes and the state become the purchaser, and through inadvertence the owners of said lands have failed to redeem them, and inasmuch as the time for the owner to redeem said lands has expired, or is about to expire ; therefore,

The General Assembly of North Carolina do enact :

Time extended for
redemption of
lands sold for
taxes and pur-
chased by state.

Manner of redemp-
tion.

Proviso¹

SECTION 1. That the time for the redemption of the aforesaid lands sold for taxes and purchased by the state be, and the same is hereby extended to the first day of January, Anno Domini eighteen hundred and eighty-one, and that any person or persons whose property has been sold as aforesaid, who shall pay within the time above set forth, to the officer entitled by law to receive the same, all taxes due upon said land at the time of the sale thereof, together with the per cent. required by law to be paid upon the same, and all the costs and charges of advertising said land and executing a deed for the same, and also all such taxes as would have been due upon said land had no sale taken place, shall be allowed to redeem said land as though said land had been redeemed within the time prescribed by law : *Provided*, that the title to such lands is still in the state.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 225.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-THREE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter one hundred and sixty-three, laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, be amended by striking out the names of Col. S. A. Sharpe, J. H. Stephenson and J. W. Williams, of the county of Iredell, Robert Steel, Sr., Noah Deal and Dr. James E. King, of Alexander county, Richard L. Hicks, Harrel Hays and J. G. Hall, of Wilkes county, wherever they appear in said act, and insert the names of Col. W. A. Eliason and Joel B. King, of Iredell county, Robert M. Mayberry and Abraham Mayberry, of Alexander county, and Dr. R. F. Hackett and W. B. Transen, of Wilkes county, and insert after the word "county," in line nine, "by way of Simonton's bridge in Iredell county, and Robert Mayberry, in Alexander, if found to be."

Chap. 163, sec. 1,
acts 1871-'72,
amended.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 226.

AN ACT TO ESTABLISH A NORMAL SCHOOL AT TRINITY COLLEGE, DAVIDSON COLLEGE AND WAKE FOREST COLLEGE.

The General Assembly of North Carolina do enact :

SECTION 1. That a normal school may be established at Trinity College, in Randolph county, at Davidson Col-

Normal schools
authorized at
Trinity, Davidson

and Wake Forest colleges and the University.

lege, in Mecklenburg county, the University, at Chapel Hill, and Wake Forest College, in Wake county, for the purpose of training teachers of both sexes for the common schools of the state, the said school to be established by the faculties of said colleges under the general direction and control of the state board of education.

Authorized to issue certificates to teachers.

SEC. 2. That upon such conditions and requisitions as the state board of education may determine these normal schools shall have the power to issue certificates to teachers, which certificates shall authorize the holders thereof to teach public schools and draw their pay in any county of the state without subject to further examination.

SEC. 3. This act shall be in force from and after its ratification, and all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 227.

AN ACT TO PROVIDE FOR CONVICT LABOR ON THE LOUISBURG BRANCH OF THE WILMINGTON AND WELDON RAILROAD COMPANY.

The General Assembly of North Carolina do enact :

When penitentiary board to furnish convicts.

SECTION 1. When the stockholders of the Louisburg branch of the Wilmington and Weldon Railroad Company shall have organized said company as provided in the charter of incorporation, thereupon proper application, the board of directors of the penitentiary shall turn over to the directors of said corporation to be worked in the construction of said road any convicts liable to work on railroad[s] not to exceed one hundred in number: *Provided*, that the directors of said railroad company shall first execute a good and sufficient bond, in a sum to be

Proviso.

approved by the governor and board of directors of the penitentiary, conditioned for the proper feeding and guarding the convicts so employed: *Provided*, nothing Provided. herein contained shall be construed to repeal any act heretofore passed assigning convicts to other railroads in this state.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 228.

AN ACT TO AMEND CHAPTER SIXTY-THREE OF LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, IT BEING THE ACT TO CHANGE THE DIVIDING LINE BETWEEN THE COUNTIES OF FRANKLIN AND GRANVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter sixty-three of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five be amended as follows: Strike out of line fifteen, section six, the words "eighteen hundred and seventy-six" and insert "eighteen hundred and eighty." Chap. 63, sec. 6, acts 1874-'75, amended.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 229.

AN ACT TO AMEND SECTIONS TWO, FOUR AND FIVE, CHAPTER FORTY-NINE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact :

Chap. 49, secs. 2, 4
and 5, acts 1876-'77,
amended.

SECTION 1. That chapter forty-nine, acts of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended as follows: In section two, line seven, strike out all after the word "shall" down to and including "commissioners" in line ten, and insert after the word "shall" in line seven the following: "demand such fishway as is required and prescribed in section one of this act."

Ratified the 13th day of March, A. D. 1879.

CHAPTER 230.

AN ACT TO REPEAL ANY AND ALL ACTS CREATING, RECOGNIZING OR CONTINUING IN EXISTENCE THE WESTERN DIVISION OF THE WESTERN NORTH CAROLINA RAILROAD COMPANY.

The General Assembly of North Carolina do enact :

Chap. 24, private
acts 1868, chap. 20,
acts 1868-'69, chap.
150, acts 1871-'72,
and all other acts
creating, &c.,
Western Div. W.
N. C. R. R., re-
pealed.

SECTION 1. That chapter twenty-four of the private laws, special session of one thousand eight hundred and sixty-eight, ratified August nineteenth, one thousand eight hundred and sixty-eight, chapter twenty of the laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, ratified twenty-ninth day of January, one thousand eight hundred and sixty-

nine, and chapter one hundred and fifty of the laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, ratified eighth day of February, one thousand eight hundred and seventy-two, and any and all other acts and parts of acts creating, recognizing or continuing in existence the western division of the Western North Carolina Railroad Company are hereby repealed.

SEC. 2. That all the property, rights, credits, rights of action and effects that now exist in favor of the said western division of the Western North Carolina Railroad Company, or which may result from any existing matters, causes, circumstances or contingencies, shall become absolutely the rights and property of the Western North Carolina Railroad Company; and the said Western North Carolina Railroad Company is hereby authorized and empowered to prosecute, defend and manage any and all suits and actions pending in the courts of this state, in the courts of the United States, or the courts of any other state or territory in reference to the property, rights and credits of the said Western Division of the Western North Carolina Railroad Company: *Provided*, the said Western North Carolina Railroad Company shall not be liable or responsible for any debt, contract, obligation or other liability of the said western Division of the Western North Carolina Railroad Company beyond the sum it shall actually realize and receive from the transfer of property, rights, credits, &c., provided for in this section.

SEC. 3. That all persons who are now or have been acting or assuming to act as officers, directors, agents and attorneys of the said western division of the Western North Carolina Railroad Company shall within thirty days after demand upon them by the governor of the state, turn over and deliver to the board of directors of the Western North Carolina Railroad Company, all books, records, papers, moneys, bonds, property, contracts, effects, and evidences of debt which may be in their possession

Property, rights of action, &c., of Western Div. W. N. C. R. R. transferred to W. N. C. R. R.

Proviso.

Officers, &c., to turn over books, &c., to board of directors of W. N. C. R. R. within thirty days.

Misdemeanor.

or within their control ; and upon their failure or refusal to do so, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five hundred dollars, or imprisoned in the discretion of the court ; and the superior courts of any county on the line of the Western North Carolina Railroad shall have jurisdiction of such offence.

No person relieved from criminal prosecution.

SEC. 4. That this act shall not be construed to relieve any person from any criminal prosecution now pending or which may hereafter be instituted in any court or courts for any criminal offence heretofore committed in relation to the said western division of the Western North Carolina Railroad Company, nor shall it be so construed as to abridge or release any rights, rights of action, or credits which now exist or may result from existing circumstances or contingencies in favor of the said western division of the Western North Carolina Railroad Company.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 231.

AN ACT TO PROVIDE FOR FILLING VACANCIES IN BOARDS OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact :

Vacancies to be filled by magistrates.

SECTION 1. That all vacancies which now or shall hereafter exist in boards of county commissioners shall be filled by the magistrates of the county.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 232.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUOR
IN CERTAIN LOCALITIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to sell or directly or indirectly receive any compensation for any spirituous liquors, bitters, or any intoxicating drinks within one-half mile of Bethphage church in Cabarrus county, or within one mile of Pleasant Hill church in Iredell county while Divine services are being held there; or the Big Ore bank, Lincoln county; Trinity church, Bladen county; Harrisville church, Stanly county; or Caison's chapel, McDowell county, while religious worship is being held therein; or within one mile and a half of St. Paul's Lutheran church, Iredell county; or St. Paul's Methodist church, Cleaveland county; or the Methodist church at Ansonville, in Anson county; Elliott's church, Cleaveland county; Concord Baptist church, in Yancey county; Matthew's station, in Mecklenburg county; and all the churches in Hyde county; Fellowship church in Gaston county; Kernersville, Forsythe county; or within one mile of Three Forks Baptist church, in Watauga county; Oak Grove church, Pitt county; Methodist church near Jug Tavern, Lincoln county; Shiloh M. E. church, Cabarrus county; Lebanon M. E. church, Davie county; Morgan Hill church, Buncombe county; Forks of Ivey Baptist church, Madison county; Pleasant Hill Baptist church and Battle's church, Burke county; the Methodist and Lutheran churches of Lovelady, Caldwell county; Sandy Plains church, Wayne county; Tabernacle Methodist Episcopal church and Methodist Protestant church, and Bethel Northern Methodist church, Randolph county; Shiloam and Ebenezer churches, McDowell county; Rehobeth M. E. church, (colored,) Lebanon M. E. church;

Sale of spirituous
liquors prohibited
in certain local-
ties.

Sale of spirituous
liquors prohibited
in certain local-
ties.

Columbus county; Gilead church, Bladen county; Friend-
ship church, Wilkes county; New Found Baptist church,
Buncombe county; Helson and Pee Dee churches, in Rich-
mond county; Fine's creek Baptist church, in Haywood
county; Bensalem and New Providence churches, in
Moore county; Stradley's chapel and Berea church, Bun-
combe county; and all the churches in Bertie except in
the towns of Windsor and Coleraine; or within two miles
of Hickory Grove church, Lenoir county; Hebron, St.
Luke's, Salem and Macedonia churches, in Washington
county; Draughan's school-house and church, Edgecombe
county; court-house in McDowell county; Iron Station
and Pisgah church in Lincoln county; Allensville Metho-
dist church, Ephesus Baptist church, in Person county;
Trinity Methodist church, Salem, Harris's chapel, Poplar
creek, Hermon, Rehobeth churches, in Granville county;
State Line academy, Cleaveland county; Macedonia church,
Buncombe county; Lutheran chapel, Oak Grove Metho-
dist church, Christ's Episcopal church, Unity church,
Rowan county; Bethsada, Lineberger's, Wilson's, Shiloh,
Dallas, Kelly's, Concord, Friendship, Antioch and Lan-
der's churches, Gaston county; Albemarle, Stanly county;
Reden Springs, Union county; Maple's Hill, Wesleyan
chapel, Ashton academy, Pender county; all the churches
in Perquimans county except those within the corporate
limits of the town of Hertford; New Salem church, Ire-
dell county; Mt. Carmel church, Montgomery county;
Ormand's chapel and Saint's Delight, in Greene county;
Pantego male and female academy, Pantego, Beaufort
county; St. James's church, Iredell county; Snow Hill
Methodist church, Conie Baptist church, Providence Meth-
odist church, Nantihala school-house, Smith's bridge
high-school, Highland's academy in Macon county; Union
Springs' church and camp-ground and Philadelphia
church, Union county; Bethcar Presbyterian church, Bla-
den county; Cullowhee Baptist church, Jackson county;
Mount Pleasant church, Chatham and Bynum Manufac-

turing Company's works, O'Kelly's church, Chatham county; Mount Zion church, Irving academy, Bladen county; Macedonia Baptist church, Columbus county; Riverside Methodist camp-ground, Ashe county; Laurel Springs academy, Alleghany county; Blackburn's chapel, Ashe county; South Fork church, Watauga county; Belvin church, Orange county; St. Luke's and Shepherd's Cross-Roads churches in Iredell county; Pleasant Grove church and the Methodist church and Castalia church in Nashville, Nash county; Gardner's church, Warren county; Pine Grove M. E. church, Robeson county; Clear Creek academy, Henderson county; Ephesus church, Wake county; Turkey-Tail, Burke county; Jersey settlement Baptist church, Davidson county; State-Line Baptist church, Stokes county; Bear Swamp, Mount Lebanon and Mount Taylor churches, Halifax county; Brasstower church, Cherokee county; Mill Grove church, Union county; Ridgeway, in Warren county; Tally Ho Baptist church, Granville county; Sunbury, Gates county; Jericho Baptist church, Davie county; Stecoah Baptist church, Graham county; Rock Spring camp ground, in Caldwell county; Olive Branch and Bethlehem Methodist churches, in Davie county; and the Methodist and Presbyterian churches of Lexington, Davidson county; or within two miles and a half of Pleasant Grove, Zion Grove and Dudley Grove churches, Hertford; Thompson's chapel, Wayne county; Piney Forest Baptist church, Columbus county; or within three miles of Bethel church, Wayne county; Eden church, Greene county; White Chapel and Creswell church, Washington county; Chowan Female Institute, Hertford county; Youngsville, Flat Rock, Franklin county; East La Porte male and female academy, Jackson county, McKenzie's chapel, Iredell county; Hallsville, Duplin county; Pike Creek church, Pender county; Back Creek church, Rowan county; Shady Grove Baptist church, Sampson county; or any church in Bertie county, except in the towns of Windsor and Coleraine; Moore's

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liquors prohibited
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ties.

**Sale of spirituous
liquors prohibited
in certain locali-
ties.**

chapel, Center church, Iredell county; Philadelphia church, Richmond county; Wahunta church, Wayne county; Bethel and Antioch Baptist churches, Orange county; Lumber Bridge and Providence Baptist churches, in Robeson county; Melton's Grove, Montgomery county; Little River church, Transylvania county; Hayes' chapel, Bethel, Holland and Middle creek churches, Wake county; Prospect church, Robeson county; Geneva church, Granville county; Free Chapel church, Washington county; Union Methodist church, Union county; Concordia high school, Catawba county; Savannah Creek church, Anson county; Huntersville and Caldwell churches, Mecklenburg county; St. John's and Pioneer churches, Cabarrus county; Reedy Methodist church, Henderson county; Tabernacle Methodist E. church, Richmond county; Lee's church, Jones county; Pioneer Mills post-office, Cabarrus county; the town of Creswell, Washington county; or within four miles of University of North Carolina, Orange county; or within five miles of Rocky Point Methodist church, Pender county.

**Chap. 255, sec. 2,
acts 1874-'75,
amended.**

SEC. 2. Amend section two, chapter two hundred and fifty-five, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, by striking out "made" wherever it occurs and substitute in its stead the words "distilled or fermented from fruit"; and amend chapter two hundred and sixty, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, by striking out Macedonia church, Columbus county, Lawrence church, Edgecombe county, Bladenboro depot, Gilead church in Bladen county, and Adams' school-house, Pitt county.

**Chap. 266, acts
1876-'77, amended.**

Misdemeanor.

[SEC. 3.] Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction before any justice of the peace having jurisdiction, shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not less than ten days or more

than thirty days: *Provided*, that if the offender is not Proviso. brought to trial before some justice of the peace within six months after the commission of the offence, the superior court in term for the county in which the offence was committed may take jurisdiction of the same and punish the offender at the discretion of said court.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. This act shall be in force from and after the first day of May, Anno Domini one thousand eight hundred seventy-nine.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 233.

AN ACT TO ASCERTAIN AND AUDIT THE DEBT OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners, together with a majority of the justices of the peace of Cleveland county, may elect three suitable persons, one of whom shall reside in the lower, one in the central and one in the upper part of the county, and none of whom shall have held any county office (except justices of the peace or overseer of roads) since the year one thousand eight hundred and fifty-six, to be known as a "special finance committee," whose duty it shall be to investigate the financial affairs of said county. Special finance committee.

SEC. 2. That said committee shall have power to supervise and examine all the public records of Cleveland county, and officers charged by law with the custody of To examine public records.

such records shall open them to the inspection of said committee.

Meetings.

SEC. 3. Said committee shall have power to meet and adjourn and sit for a period not exceeding forty days, and may be allowed therefor a compensation not to exceed two dollars per day.

Compensation.

Report.

SEC. 4. That when said committee has finished its labors as contemplated in this act, it shall be the duty of the chairman to make a report, which shall be published at the door of the court house and inserted in full not less than three times in the county newspaper.

Expenses of publishing report.

SEC. 5. That an amount not exceeding twenty-five dollars shall be allowed as hereinafter stated to cover the expense of said publication.

Committee to audit and register outstanding indebtedness of county.

SEC. 6. That said committee shall open a book in which it shall be their duty to audit and register the number and amount of all outstanding bonds and all bills of indebtedness, with coupons attached or otherwise, which shall be furnished to them, and all persons holding such bonds or bills of indebtedness or coupons to bonds against the county of Cleveland shall present them either in person or by attorney before the first day of August, one thousand eight hundred and seventy-nine, to said committee to be audited.

When claims to be presented.

Record of indebtedness to be filed in superior court clerk's office.

SEC. 7. That the book in which said bonds and coupons and bills of indebtedness are audited shall be filed by the chairman of the auditing committee in the office of the clerk of the superior court of Cleavland county and preserved by him for future reference.

Oath of committee.

SEC. 8. That said committee before entering upon the discharge of their duties as contemplated in this act, shall take an oath before the superior court clerk of Cleavland county, faithfully and honestly to discharge the duties enjoined herein upon them.

Meetings.

SEC. 9. That said committee shall meet and begin their sittings on the first Monday in July, one thousand eight hundred and seventy-nine, and meet and adjourn, not on

consecutive days necessarily, but from time to time as they may deem best, until the object contemplated is accomplished, or the limited number of days is reached.

SEC. 10. That an account for per diem and expense for publication of report, sworn to before the clerk of the superior court and signed by each member of the committee, or a majority of them, shall be a warrant upon the treasurer of the county; shall be audited and ordered paid by the chairman of the board of county commissioners, and included in the first general levy for the county of Cleaveland and collected as other taxes.

How per diem, &c.,
to be paid.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 234.

AN ACT FOR THE MORE EFFECTUAL PUNISHMENT OF HORSE STEALING.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to take and carry away any horse, gelding, mare or mule, the property of another person, secretly and against the will of the owner of said property, with intent to deprive the owner of said property of the special or temporary use of the same; or with the intent to use said property for a special or temporary purpose, and any person or persons violating the provisions of this section shall be guilty of larceny, and upon conviction shall be punished as prescribed in section twenty-nine, chapter thirty-two of Battle's Revisal: *Provided*, that this section shall not be construed to repeal or in any way effect section seventeen, chapter thirty-two, Battle's Revisal.

Persons taking
horse secretly and
against will of
owner for tempo-
rary use or pur-
pose, guilty of
larceny.

Count joined in indictment with count for horse stealing, under sec. 17, chap. 32, Battle's Revisal.

SEC. 2. That a count under this section may be joined in a bill of indictment with a count under section seventeen of chapter thirty-two, Battle's Revisal.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 235.

AN ACT TO INCORPORATE THE PUNGO AND ALLIGATOR RIVERS CANAL COMPANY.

Preamble.

WHEREAS, a canal from some point at or near the head of Broad creek or Rose Bay creek in Hyde county to Alligator river will greatly benefit the county of Hyde by cutting off the overflowing water from the west, and will also greatly benefit the counties on Tar river by furnishing a shorter route to Albemarle sound:

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That James F. Latham, of Beaufort county, William Carter, of Hyde county, and, of Tyrrell county, be and they are hereby incorporated under the name of the Pungo and Alligator River Company, for the purpose of cutting the canal aforesaid, and for that purpose the said company shall have all necessary and proper corporate powers.

Name.

Powers.

Width and depth of canal.

SEC. 2. The canal when completed shall be at least sixty feet wide at the top, and at least forty feet wide at the bottom and at least eight feet deep, and there shall be a road on the eastern bank thereof twenty feet or more wide.

Penitentiary board to furnish convicts.

SEC. 3. That the board of directors of the penitentiary shall on application of the said Pungo and Alligator Ca-

nal Company employed on said canal, under the direction of the authority of said board and under such guards as may be necessary, as many convicts as in the opinion of the directors or other authorities of said canal company as may be required, not to exceed one hundred : *Provided*, Proviso. however, the said canal company shall pay the salary of all officers who may be assigned by the penitentiary authorities in charge of said convicts, and shall also pay for the feed, guard, clothing and medical attention of said convicts while so employed, so that the state shall be at no expense on account thereon : *Provided*, nothing in this Proviso. act shall be construed to authorize the reduction of [the] number of convicts employed on the Western North Carolina Railroad below the present working force : *Provided*, Proviso. the Pungo and Alligator River Canal Company shall have only the *pro rata* part of the convict labor.

SEC. 4. At any time and from time to time on the application of said company to the board of commissioners of Hyde, Beaufort and Tyrrell counties for a donation of money by said counties for the construction of said canal, it shall be the duty of said board to submit to a vote of the voters of their respective counties the question whether the county will make such donation. No such question shall be voted on in any one county more than once in any one year. Election in certain counties concerning donation to canal.

SEC. 5. If a majority of the voters of any county shall vote to make a donation for any specified sum, the commissioners of that county shall thereupon execute bonds of the county bearing interest at not over six per cent., payable annually, to said sum, and deliver the same to said company, but if said bonds shall not be sold at par within two years after the delivery thereof to the company, they shall be void and shall be returned to the county commissioners and destroyed. The county commissioners on being informed of the sale of any of said bonds at par as above authorized, shall at their first meeting thereafter levy a tax to be collected, and when the Commissioners to issue bonds. Bonds void if not sold at par in two years. When tax levied.

state and county taxes are at such rate as will suffice to pay the interest on said bonds sold and one-tenth of the principal thereof, which tenth shall be so applied, and the bonds shall be so worded as to permit of such payment.

Tolls.

SEC. 6. The said company may charge tolls on all vessels navigating the said canal, which shall not exceed those charged by the Albemarle and Chesapeake Canal Company; and moreover shall not exceed what may be necessary for the furnishing and keeping in repair said canal, and for straitening and improving Alligator river, which said company is hereby authorized to do.

Authority to apply to U. S. government for aid.

SEC. 7. Said company may apply to the government of the United States for aid in constructing said canal and improving said river, and in consideration of such aid it is authorized to make any contract with the United States which that government may require as a condition.

Canal when completed to be assigned to Hyde, Beaufort and Tyrrell counties.

SEC. 8. When such canal and river improvement shall have been completed the corporators above named or their successors shall assign to the counties of Hyde, Beaufort and Tyrrell the entire property and franchises of the company to be held by said counties in the proportions in which they shall have at that time have donated to the company: *Provided*, such assignment shall not be in conflict with any contract theretofore made with the United States: *And provided*, that no county which shall contribute nothing shall be an assignee.

Proviso.

Proviso.

Vacancies.

SEC. 9. If any of the corporators named in the first section shall fail to accept, or after having accepted shall resign, or die, or fail to act for one year, the others, or other, and their successors accepting, shall fill the vacancies. The corporators of said company may, when funds shall be in hand, receive their actual expenses, but shall not receive any pay or salary.

Expenses.

SEC. 10. This act shall be in force from its ratification. Ratified the 13th day of March, A. D. 1879.

CHAPTER 236.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CHOWAN
COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of the county of Chowan be and they are hereby authorized and empowered to levy a special tax during the years one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty, not exceeding two thousand dollars annually, for the purpose of paying off and discharging the indebtedness of said county; and in levying said tax the constitution equation between property and poll taxes shall be observed.

Authorized to levy special tax to pay off county indebtedness.

SEC. 2. That the sheriff of said county be required to collect such taxes and account for the same to the county treasurer or other legally appointed disbursing officer in the same manner and under like penalties as other taxes are collected and accounted for.

How collected.

SEC. 3. That said taxes when collected shall be applied by the county treasurer or other legally authorized disbursing officer exclusively to the object herein before set forth.

How applied.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 237.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, AN ACT ENTITLED AN ACT TO PREVENT DISCRIMINATION IN FREIGHT TARIFFS BY RAILROAD COMPANIES DOING BUSINESS IN THIS STATE.

The General Assembly of North Carolina do enact :

Chap. 240, sec. 3,
acts 1874-'75,
amended.

SECTION 1. That section three, chapter two hundred and forty, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, entitled an act to prevent discrimination in freight tariffs by railroad companies operating in this state, ratified the twenty-second day of March, Anno Domini one thousand eight hundred and seventy-five, be repealed and the following inserted in its stead: That nothing in this act shall be taken in any manner as abridging the right of any railroad company operating in this state from making special contracts with shippers of large quantities of freight, to be of not less in quantity or bulk than one car load.

Railroad companies authorized to make special contracts with shippers of large quantities of freight.

Unlawful to pool freights or allow rebates.

SEC. 2. That it shall be unlawful for railroad companies operating in this state to pool freights or to allow rebates on freights; and all persons, whether railroad officials or others, who shall be concerned in the pooling of freights or who shall directly or indirectly allow or accept rebates on freights shall be guilty of a misdemeanor, and on conviction shall be fined not less than one thousand dollars or imprisoned not less than twelve months.

Misdemeanor.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 238.

AN ACT SUPPLEMENTAL TO AN ACT TO COMPROMISE, COMMUTE AND SETTLE THE STATE DEBT, PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of eight hundred dollars is hereby appropriated for the employment of clerical assistance by the state treasurer for the purpose of executing the provisions of "an act to compromise, commute and settle the state debt," passed at the present session of the general assembly.

Appropriation for clerical assistance to public treasurer.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 239.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED AN ACT FOR THE SUPPORT OF THE PENITENTIARY OF NORTH CAROLINA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE AND THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the appropriations to the North Carolina penitentiary, the Western North Carolina Railroad and the Cape Fear and Yadkin Valley Railroad shall take effect from and after the first day of April, one thousand eight hundred and seventy-nine, and that the expenses of said penitentiary and railroads for the month of March, one thousand eight hundred and seventy-nine, shall be

Appropriations to Penitentiary, W. N. C. R. R. and C. F. & Y. V. R. R. to take effect April 1, 1879.

paid by the treasurer of the state as was provided by law before the said appropriations were made.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 240.

AN ACT TO REGULATE SALARIES AND FEES IN CERTAIN CASES.

The General Assembly of North Carolina do enact :

Governor.

SECTION 1. The salary of the governor of the state shall be three thousand dollars per annum. He shall be allowed a private secretary, whose salary shall be five hundred dollars per annum and fees allowed by law.

Private Secretary.

Treasurer.

Clerks.

SEC. 2. The salary of the treasurer shall be three thousand dollars. He shall be allowed two clerks at salaries respectively of fifteen hundred and seven hundred and fifty dollars per annum. He shall be the treasurer of the insane asylum, the deaf and dumb and blind asylum, the penitentiary and the agricultural department, and shall perform his duties as treasurer of these several institutions under such regulations as shall be prescribed in each case by their respective boards of directors, with the approval of the governor; and the said treasurer shall be responsible on his official bonds for the faithful discharge of his duties as treasurer of each of the several institutions aforesaid.

To be treasurer of certain public institutions.

Justices of the Supreme Court.

SEC. 3. That each justice of the supreme court shall be allowed an annual salary of twenty-five hundred dollars, to be paid quarterly, viz: on the first days of April, July, October and January in each year.

SEC. 4. That the judges of the superior courts shall each have an annual salary of two thousand and five hundred dollars, payable quarterly, viz: on the first days of April, July, October and January in every year, in full compensation for all judicial duties which are now or may hereafter be assigned to them by the general assembly. The governor in assigning the judges of superior court to hold extra and special terms thereof, shall observe as near as may be an equal division of labor among the several judges.

Judges of Superior Courts.

SEC. 5. Every judge of the superior court shall produce a certificate from the clerk of the superior court for each county of his having held the court of the county according to law; and for every such certificate omitted to be produced there shall be a deduction from his salary of one hundred dollars, unless he shall be prevented by sickness or other unavoidable cause.

Judges to produce certificates from Superior Court Clerks.

Deduction from salary for failure to produce certificates.

SEC. 6. The secretary of state shall receive a salary of two thousand dollars and one thousand dollars for clerical assistance, which amount shall be paid quarterly by the treasurer. All fees received by said officer shall be paid into the treasury quarterly.

Secretary of State. Clerk.

SEC. 7. The auditor shall receive a salary of fifteen hundred dollars per annum, and shall be allowed no fees or other compensation whatever. He shall be allowed one clerk at a salary of one thousand dollars per annum. Chapter one hundred and ninety-one of the laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, allowing the auditor six hundred dollars per annum to provide additional clerical force in his office, is hereby repealed.

Auditor.

Clerk.

Chap. 191, Acts of 1872-'73 repealed.

SEC. 8. The superintendent of public instruction shall receive an annual salary of fifteen hundred dollars; but he shall not be allowed any sum for travelling expenses, nor shall he be allowed to appoint any assistant; neither shall any other person make such appointment, the appointee to be paid out of the treasury or educational fund.

Superintendent of Public Instruction.

Attorney General. SEC. 9. The attorney general's salary shall be one thousand dollars as attorney general, and as reporter to the supreme court a salary of one thousand dollars per annum, and all fees received by him shall be covered into the treasury.

Adjutant General. SEC. 10. The salary of the adjutant general shall be three hundred dollars per annum. He shall not be allowed any travelling or other expenses, or any clerical assistance at the expense of the state.

Salaries payable quarterly. SEC. 11. All annual salaries allowed by this act shall be paid quarterly out of any money in the treasury not otherwise appropriated: *Provided, however,* that the clerks of the several departments shall receive their pay monthly.

Solicitors. SEC. 12. The solicitors of the several judicial districts shall receive twenty dollars for each term of the superior court they shall attend, to be paid by the public treasurer upon a certificate of such attendance from the clerk of the court, and the fees as prescribed in the following section.

Fees of Solicitors. SEC. 13. The solicitors for the state shall, in addition to the general compensation allowed them by the state, receive the fees prescribed in chapter one hundred and seventy, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, and no others.

Librarian. SEC. 14. The librarian shall receive a salary of four hundred dollars as keeper of [the] state library.

Servant hire in capitol. SEC. 15. The sum of six hundred dollars shall be appropriated annually for servant and watchman hire in the capitol square, said amount to be expended under the direction of the keeper of the capitol, and the treasurer shall pay out said amount only upon the warrant of the auditor: *Provided,* that no money shall be paid for servant hire in any of the state departments in the capitol, except the supreme court room.

Proviso. SEC. 16. All laws or clauses of laws in conflict with the provisions of this act are hereby repealed; and all laws or clauses of laws allowing clerks or compensation therefor

in the offices of the governor, treasurer, auditor, or secretary of the state, or treasurer, or compensation therefor, in the penitentiary, insane asylum, institute for the deaf and dumb and blind, or the agricultural department, except as herein provided for, are hereby repealed.

SEC. 17. This act shall be in force from and after its ratification, or as soon thereafter as the constitution and the [laws] passed in pursuance thereof will permit.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 241.

AN ACT TO FIX THE NUMBER AND REGULATE THE MANNER OF APPOINTING THE BOARD OF DIRECTORS OF THE CAPE FEAR AND YADKIN VALLEY RAILROAD, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact :

SECTION 1. That on and after the expiration of the term for which the directors were appointed on the Western Railroad, the name of which has been changed by the act of the general assembly at its present session to the Cape Fear and Yadkin Valley Railroad, the affairs of said Cape Fear and Yadkin Valley Railroad shall be managed by twelve directors, eight of whom shall be appointed by the governor and four by the private stockholders. Directors, how appointed.

SEC. 2. That said directors shall elect one of their number president of said company, who shall receive such compensation for his services as said directors may determine, and who shall have a general supervision and direction of the affairs of the company under the control of said board of directors. The said directors shall also elect such other officers as may be necessary, and do all President.
Compensation.
Other officers.

such acts as the said Western Railroad has power under existing law to do.

Chap. 127, sec 1 of
Acts of 1876-'77
amended.

SEC. 3. That section one, chapter one hundred and twenty-seven, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended by adding at end of said section the words, "to which shall be added the costs of maintaining such convicts."

SEC. 4. This act shall be in force from its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 242.

AN ACT TO DRAIN CERTAIN LANDS IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact :

Commissioners appointed.

SECTION 1. That J. G. Morrison, J. W. A. Paine, Abner Goodson, John A. Kids, J. W. Derr, J. R. Asbury and David Cherry be appointed commissioners, whose duty it shall be, before the first day of August, one thousand eight hundred and seventy-nine, to lay off the following creeks and their tributaries for one-half mile in Lincoln county into sections, and have them worked as provided in chapter one hundred and two, laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, and laws amendatory thereto, viz: Anderson's creek, from back water of Dr. C. L. Hunter's mill-pond to Stonewall Furnace; Killian's creek, from its mouth to the north line of N. E. Forney's plantation; also Seagle's creek, from its mouth to the Beatties Ford and Lincolnton road.

To lay off certain creeks and have them worked under chap. 102, laws of 1873-'74.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 243.

AN ACT FOR THE MORE SPEEDY PROCUREMENT OF THE RIGHT OF WAY BY THE WINSTON, SALEM AND MOORESVILLE RAILROAD COMPANY, AND FOR THE BETTER PROTECTION OF LAND-OWNERS OVER WHOSE LANDS SAID RAILROAD PASSES.

The General Assembly of North Carolina do enact :

SECTION 1. That before the Winston, Salem and Mooresville Railroad Company shall enter upon the lands of any one over which they have located the track of said road for the purpose of constructing the same, and with whom they have failed to agree as to the amount of compensation for the right of way over said lands, it shall be lawful for the president or chairman of said railroad company to file a petition under oath before the clerk of the superior court of the county in which said lands are situated, setting forth the name of the party or parties interested in the lands sought to be condemned, with a description of the lands and a map of said line of railroad as located over said lands.

Proceedings to condemn lands.

Petition to be filed before superior Court Clerk.

SEC. 2. That upon the filing of said petition by said railroad company the clerk of the court before whom said petition is filed shall issue a summons to the person or persons named in the petition to appear before him within twenty days after service of said summons on him or them and answer said petition ; and on the coming in of the answer the said clerk shall issue a writ of venire to the sheriff of said county, commanding him to select the names of twenty-four good and lawful men from the vicinage of said land or lands qualified to act as jurors, from which number there shall be drawn, under the rules and regulations of drawing juries in the superior court, twelve men, which twelve men so drawn, after being duly sworn by the sheriff, shall assemble within five

Clerk to issue summons to land owners.

Jurors.

Damages, how
assessed.

Judgment.]

Appeal.

days at some place designated by the sheriff adjacent to the land or lands to be condemned, and with the sheriff or one of his deputies proceed upon the lands to be condemned and ascertain the actual damage done thereto by reason of the construction of said Winston, Salem and Mooresville Railroad, at the same time taking into consideration the benefit accruing to said lands by reason of the construction of said railroad and to deduct [the] same from said amount of damage; but in no case shall the benefits be considered to exceed the value of said lands and a judgment be given therefor against any party or parties over whose lands said road passes. Either party to such proceedings may have the right of appeal; and if any assessment is made against said railroad company, by said amount being paid into the superior court clerk's office said railroad may enter upon said lands and prosecute its work.

SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 244.

AN ACT TO REMOVE THE OBSTRUCTIONS TO THE PASSAGE OF FISH AND PROVIDE FISH-WAYS.

The General Assembly of North Carolina do enact:

Obstruction to be
removed in South
Fork River.

Proviso.

SECTION 1. That no person or corporation shall place or allow to remain in the South Fork river, from its mouth in Gaston county to its bifurcation in Catawba county, any obstruction to the free passage of fish up said stream: *Provided*, that this shall not apply to mill dams where the

owners thereof shall construct a sufficient fish-way over said dams of at least ten feet wide which will allow fish to pass over said dams.

SEC. 2. The violation of this section shall be a misdemeanor. Misdemeanor.
misdemeanor punishable by fine and imprisonment.

SEC. 3. All owners of dams and persons who have obstruction in said river shall have until the first of May, one thousand eight hundred and seventy-nine, to provide fish-ways over said dam or remove said obstruction. Time allowed until May 1st, 1879, to remove obstructions or provide fish-ways.

SEC. 4. That section two, three, four and five of chapter forty-nine, acts one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, shall apply to the South Fork river in the boundary prescribed in section one of this act; and the commissioners respectively of Gaston, Lincoln and Catawba shall have all the powers as to the South Fork river that are prescribed in said act. Chapter 49, sections 2, 3, 4 and 5, acts 1876-'77, applicable to South Fork River.
Powers of county commissioners.

SEC. 5. The two years mentioned in section four of the act [of] one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven shall begin with the spawning season of this year, and shall extend over the spawning season of the year one thousand eight hundred and eighty-one.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 245.

AN ACT FOR THE COLLECTION OF TAXES AGAINST THE PROPERTY OF CORPORATIONS &C., &C.

The General Assembly of North Carolina do enact :

SECTION 1. That whenever taxes are duly assessed, charged and extended against any corporation having chartered rights in this state, or doing business in this

Tax collectors to levy upon and take into possession property of corporations, &c., whether in hands of receiver or not.

state, or having property in this state, or against any person resident in this state or doing business or having property in this state, and the tax list are in the hands of any officer or tax collector in this state, it shall be competent for such officer or tax collector, whenever said taxes whether listed or unlisted are due and unpaid, to levy upon, seize and take into his possession such part of the property belonging to such person or corporation as may be necessary to pay such taxes listed or unlisted, whether the property of such corporation or person be in the hands of a receiver duly appointed or not.

Not necessary to obtain order of court for the payment of tax, if property in hands of receiver.

SEC. 2. That in all cases provided for in section one of this act it shall not be necessary for such officer or tax collector to apply to and obtain from the court appointing such receiver or having jurisdiction of the property or receiver an order for the payment of such taxes, but the same may be collected as aforesaid by distraint and seizure as if the property or corporation was not in the hands of a receiver.

SEC. 3. The provisions of this act shall apply to and be remedied in regard to all taxes, whether state, county, town or municipal.

Construction of act.

SEC. 4. The provisions of this act shall be liberally construed in favor of and in furtherance of the collection of said taxes.

SEC. 5. This act shall be in force from and after its ratification, and shall apply as well [to] corporations chartered before as after its passage.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 246.

AN ACT TO REPEAL CHAPTER FIFTY-NINE, PRIVATE ACTS OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND SEVENTY-SEVEN, ENTITLED "AN ACT TO PROVIDE A SUITABLE HOUSE FOR THE GOVERNOR."

The General Assembly of North Carolina do enact :

SECTION 1. That chapter fifty-nine of the private laws of one thousand eight hundred and seventy six and one thousand eight hundred and seventy-seven, ratified sixth day of March, one thousand eight hundred and seventy-seven, is hereby repealed: *Provided, however,* the said commissioners appointed under said act, or a majority of them, shall have full power to convey by deed any and all of the said property therein mentioned and which has already been sold by them under the authority of said act to the purchasers of such property whenever the purchase money therefor has been paid, and the deed or deeds so made shall be binding upon the state.

Chapter 59, private acts 1876-'77, repealed.

Proviso.

Commissioners empowered to execute deeds for lands heretofore sold.

SEC. 2. The net proceeds of the sale of said property heretofore made under the authority of said act shall be turned over to the treasurer of the state, and the aforesaid commissioners appointed under said act to make said sale, or any of them, are instructed so to pay over the net proceeds of said sale, and the treasurer is directed to receive same and add it to the general fund in the treasury.

Net proceeds of sale to be paid to public treasurer.

SEC. 3. That [the] resolution on page five hundred and eighty-nine of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, entitled "resolution empowering the governor to employ clerical assistance in his office," is hereby repealed.

Resolution ratified January 31, 1877, empowering governor to employ clerical assistance repealed.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 247.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF BRUNSWICK COUNTY TO LEVY A SPECIAL TAX FOR THE YEARS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE AND ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

The General Assembly of North Carolina do enact :

Authorized to levy
special tax. § 1.

Proviso.

SECTION 1. That the commissioners of Brunswick are hereby authorized to levy a special tax in said county on all property, real and personal, subject to taxation for [the] years one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty: *Provided, however,* that said special tax, together with the tax levied by authority of existing revenue law, shall not exceed seventy-five cents on one hundred dollars valuation for all county purposes.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 248.

AN ACT TO FARM OUT CONVICTS TO THE ROXBORO NARROW GAUGE RAILROAD.

The General Assembly of North Carolina do enact :

Penitentiary board
to furnish convicts.

SECTION 1. That the board of directors of the penitentiary are hereby required to turn over to the Roxboro Narrow Gauge Railroad Company, upon the demand of the president of said railroad, one hundred convicts to work upon said road upon the same terms as convicts

have heretofore been farmed out to railroads in this state in which the state has no interest.

SEC. 2. This act shall be in force from its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 249.

AN ACT FOR THE PROTECTION OF FISH.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to catch fish with hook and line, or with seine, or in any way, at any time during the year in Buck creek, in McDowell county, from the mouth of the same up to and including Brown and Young's mill; and any person so offending, upon conviction before a justice of the peace, shall be fined not less than five dollars and [nor] more than twenty dollars for each offence or imprisoned not more than twenty days.

Unlawful to catch fish in Buck Creek, McDowell county within certain points.

Misdemeanor.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 250.

AN ACT TO CREATE TWO TOWNSHIPS IN THE COUNTY OF BLADEN.

The General Assembly of North Carolina do enact:

SECTION 1. That two additional townships are hereby created in the county of Bladen, to be known as Cypress

Cypress Creek and
Lake townships
created.
Boundaries of
Cypress Creek
township.

Creek township and Lake township. The said Cypress Creek [township] is bounded as follows: Commencing at the mouth of Peter's creek, on the Cumberland county line, and run said line to James Mellvin's old mill, then direct to the twenty-four mile post on the Wilmington and Elizabethton road, then with said road to the forks of Clinton and Fayetteville road above A. W. Melvin's, then direct to Martin McBride's, including McBride, then direct to the head of Colly swamp, then with said swamp to Edward Riche's, including Riche, then with Colly swamp to the mouth of Black Lake swamp, then with said Black Lake swamp to the Clinton and Elizabethton road, then with the said road to South river at Luke Cromatie's bridge, then up South river to the beginning; and the voting place therein shall be at Parker's store until the same is changed according to law.

Boundaries of
Lake township.

SEC. 2. That Lake township is bounded as follows: Beginning at Cromatie's bridge and runs with the Cypress Creek township line to the lake drain, thence a direct line to the mouth of McNeill's creek, where it empties into Colly, thence down Colly swamp to the canal, thence with the canal to south river, thence with the river to the beginning; and the voting place therein shall be at Barmerman's mills until the same shall be changed according to law.

Powers, &c.

SEC. 3. That said townships shall have all of the rights, powers and privileges now granted to other townships by law.

Former corporate
acts valid.

SEC. 4. That all acts heretofore done by officers of said townships are to all intents as valid as if said townships had been legally established.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 251.

~~AN ACT~~ TO AMEND SUB-SECTION NINE (9), SECTION THIRTY-THREE (33), CODE OF CIVIL PROCEDURE.

The General Assembly of North Carolina do enact:

SECTION 1. That sub-section nine (9), section thirty-three (33), code of civil procedure, Battle's Revisal, chapter seventeen (17), section thirty-three (33), sub-section nine (9), be amended so as to read as follows: An action for relief on the ground of fraud or mistake in causes which heretofore were solely cognizable by courts of equity, the cause of action in such cases not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting such fraud or mistake.

Chapter 17, section 33, sub-section 9, Battle's Revisal, amended.

When right of action for relief on account of fraud or mistake, to be deemed to have accrued.

SEC. 2. That this act shall be in force from and after its ratification.

~~Ratified~~ the 14th day of March, A. D. 1879.

CHAPTER 252.

~~AN ACT~~ TO ALLOW OF THE DRAINAGE AND CLEANING OUT OF HAW RIVER AND REEDY FORK, IN THE COUNTIES OF GUILFORD AND ROCKINGHAM.

WHEREAS, Haw river and Reedy Fork creek, on account of being filled up with dead and decaying timbers, mud, vegetation, sand and debris, and for want of proper drainage, not only the fertility of the soil has been greatly lessened along said streams, but the health of the country adjacent greatly impaired; and whereas, what is known as ~~Summers'~~ mill dam, on Haw river, at or near High Rock, in Rockingham county, makes it difficult if not impossible

Preamble.

to drain said streams properly, and greatly contributes to the ill-health of the country :

The General Assembly of North Carolina do enact :

Commissioners to order election in Williamsburg and Simpsonville townships in Rockingham, on application of twenty tax-payers, to determine question as to taxation for purchase of Summers' mill and removal of obstructions.

SECTION 1. That whenever twenty tax payers of the township of Williamsburg or of the township of Simpsonville, in Rockingham county, shall make written application to the board of commissioners of the county of Rockingham, the said board shall order an election in such township to determine whether said township will submit to such taxation as may be necessary to purchase the said Summers' mill property, at or near High Rock as aforesaid, and to remove said dam so as to aid in the drainage of said streams.

Commissioners to appoint committee to estimate amount necessary to be raised.

SEC. 2. That said board of commissioners shall first appoint a committee of three freeholders of said township to estimate what sum may be necessary from said township for the purpose aforesaid, who shall report the same to the said board within ten days after their appointment; and upon the receipt of said report the said board shall then order said election, after causing at least thirty days' notice to be given in not less than five of the most public places in said township, and such notice shall contain the amount proposed to be levied as a tax on said township.

Election to be held on report of committee.

Election, how held.

SEC. 3. The said election shall be ordered and held under such rules and regulations as are required by law for the election of members of the general assembly, so far as the same may be necessary or applicable.

Ballots.

SEC. 4. At such election those who are in favor of such tax shall vote a ticket upon which shall be printed or written the word "drainage," and those opposed shall vote a written or printed ticket upon which shall be written or printed the words "no drainage."

Returns of election.

SEC. 5. The returns of said election shall be made to the board of county commissioners aforesaid, and if a majority of the legally qualified voters of any such township shall vote in favor of "drainage," then the said board of

When tax to be levied.

commissioners shall levy the tax upon such township to the amount specified in the notice aforesaid, and such taxes shall be levied and collected in all respects as other taxes are.

How levied and collected.

SEC. 6. The said committee of three appointed to estimate the amount necessary from each township, with the committee of any and all other townships so voting in favor of drainage, shall comprise a board of drainage, and shall have power to take all necessary steps to effect and consummate the purchase and removal of said dam and the drainage of said stream.

Board of drainage.

Powers.

SEC. 7. The twenty tax payers as aforesaid shall have the right to apply, in addition to the sum necessary to purchase and remove said mill dam, for an additional private tax for cleaning out and ditching the said stream above said Summers' mill dam, in which case the additional sum necessary shall be included in the notice of election aforesaid.

Additional tax for cleaning out and ditching stream.

SEC. 8. Any township above said mill dam in Rockingham or Guilford counties may come under the provisions of this act either as to the sum necessary for the purchase and removal of said mill dam or as to any additional sum necessary for the cleaning out and ditching said stream, except that if said township be in Guilford county the application shall be made to the board of commissioners of said county of Guilford, and said board shall then perform all the duties prescribed for the board of commissioners of Rockingham county heretofore in this act.

Provisions of act applicable to certain other townships.

SEC. 9. The money raised from taxation under this act shall be paid over to the board of drainage created herein.

Fund to be paid to board of drainage.

SEC. 10. The provisions of the above act may also apply to any and all townships on Reedy Fork Creek above Foulk's mill and Means' Creek in Guilford county, which may choose to avail themselves of the provisions of this act by complying with the provisions herein.

Provisions of act applicable to certain other townships.

SEC. 11. One hundred convicts may be assigned to the

Assignment of convicts.

Proviso.

Proviso.

work on either of the above streams by the proper authorities: *Provided*, the board of drainage herein provided for on either of said streams shall feed, guard and clothe the same: *And provided further*, this act shall not deprive any other public works to which convicts have heretofore been assigned of the number assigned them.

SEC. 12. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 253.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HERTFORD COUNTY TO LEVY A SPECIAL TAX.

Preamble.

WHEREAS, It appears certain that the county of Hertford will be in debt about twenty-five hundred dollars on the first of September, one thousand eight hundred and seventy-nine:

The General Assembly of North Carolina do enact:

Authorized to levy special tax.

SECTION 1. That in order to pay the aforesaid debt the board of commissioners of Hertford county are hereby authorized to levy special taxes as follows: For the current fiscal year beginning the first of September, one thousand eight hundred and seventy-nine, a special tax of twenty-three and one-third ($23\frac{1}{3}$) cents on the one hundred dollars' worth of property; and for the fiscal year one thousand eight hundred and eighty, a special tax of eleven and one-third ($11\frac{1}{3}$) cents on the one hundred dollars' worth of property, should the same be deemed necessary to pay the ordinary expenses of said county.

Poll tax.

SEC. 2. That said board of commissioners may likewise levy a tax on the polls of said county, but such poll tax

shall be equal to the tax on three hundred dollars' worth of property.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 254.

AN ACT TO PROVIDE FOR SUBMITTING THE PROPOSITION TO AMEND THE CONSTITUTION OF THE STATE IN RELATION TO THE SUPPORT OF THE DEAF MUTES, THE BLIND AND THE INSANE OF THE STATE TO A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of an act to alter the constitution of the state concerning the debt of the state so far as they relate to the submission of the question to the voters of the state shall apply as well to the act passed at this same session entitled an act to amend the constitution of North Carolina in relation to the support of the deaf mutes, the blind and the insane of the state, excepting that the ballots upon this last named amendment shall be "for amendment in relation to the support of the deaf mutes, the blind and the insane of the state," or "against amendment in relation to the support of the deaf mutes, the blind and the insane of the state."

Constitutional amendment concerning support of the deaf mutes, blind and insane to be submitted to vote of the state.

Form of ballots.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 255.

AN ACT TO AMEND SECTION TWENTY-THREE AND EIGHTY-NINE, CHAPTER THIRTY-TWO, BATTLE'S REVISAL.

The General Assembly of North Carolina do enact:

Chap. 32, sec. 23,
Battle's Revisal,
amended.

SECTION 1. That chapter thirty-two, Battle's Revisal, entitled "crimes and punishments," be amended by striking out of section twenty-three the words "as prescribed in section twenty-nine" and inserting in lieu thereof the words "by imprisonment in the county jail or state prison not less than four months nor more than twenty years."

Manslaughter.

Sec. 89 amended.

SEC. 2. That section eighty-nine, chapter thirty-two Battle's Revisal, be amended by striking out the words "not more than three years nor less than six months," and inserting "in the state prison or county jail for not less than four months nor more than ten years."

Maliciously ob-
structing rail-
roads, when death
does not ensue.

SEC. 3. That this act shall take effect as to crimes committed after its passage from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 256.

AN ACT TO RESTORE TO JUDGMENT DEBTORS THE HOMESTEAD AND PERSONAL PROPERTY EXEMPTIONS TO WHICH THEY WERE ENTITLED PRIOR TO THE TWENTY-FOURTH DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT.

Preamble.

WHEREAS, The supreme court of the United States, in the case of *Edwards vs. Kearzey*, decided at the October term, one thousand eight hundred and seventy-seven, that

the personal property exemptions and homesteads provided for by section one and two, article ten, of the constitution of North Carolina, were inoperative in respects to debts and obligations contracted prior to the adoption of said constitution; and whereas, doubts exist whether the various statutes providing for the exemption of property from execution, which were in force at the date of the adoption of the said constitution, have not been repealed :

The General Assembly of North Carolina do enact :

SECTION 1. There shall be exempt from sale under execution or other final process issued for the collection of any debt upon all judgments heretofore or which may be hereafter rendered upon causes of action existing prior to the adoption of said constitution (the twenty-fourth day of April, one thousand eight hundred and sixty-eight,) such property as the judgment debtor may have been entitled to have set apart and allotted to him; and that all laws providing for such exemptions and homesteads are hereby re-enacted: *Provided, however,* that the value of the personal property exemptions shall not exceed five hundred dollars, and the homestead shall not exceed one thousand dollars.

What property exempt from execution sale on judgments rendered on causes of action existing prior to 24th April, 1868.

Proviso.

SEC. 2. That any person desiring to avail himself of the provisions of this act may have his personal property exemption and homestead set apart and allotted to him in the manner prescribed by chapter fifty-five, Battle's Revisal.

Exemptions, how set apart.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 257.

AN ACT TO CURE IRREGULARITIES IN CERTAIN JUDICIAL PROCEEDINGS WHEREIN SOME OR ALL OF THE DEFENDANTS NAMED IN THE SUMMONS WERE INFANTS, IDIOTS, LUNATICS OR PERSONS NON COMPOS MENTIS.

The General Assembly of North Carolina do enact :

Judgments against infants, &c., in actions where there was no personal service of process validated.

Proviso.

Proviso.

SECTION 1. That in any and all civil actions and special proceedings now pending or heretofore determined in any of the courts of the state wherein any or all of the defendants named in the summons were infants, idiots, lunatics or persons *non compos mentis* on whom there was no personal service of the summons or complaint, the proceedings, action, decrees and judgments taken, had and made by such courts in such civil actions, and special proceedings shall be valid, effectual and binding against and upon such infants, idiots, lunatics and persons *non compos mentis*, and their rights and estates in like manner as if they had been personally served with a summons and complaint therein: *Provided*, that such civil action and special proceedings were *bona fide* defended in behalf of such defendants by his, her or their general guardian or guardians, or by his, her or their guardian or guardians *ad litem* appointed or recognized for that person by the court or courts in which such civil action or special proceedings were pending: *Provided further*, that this act shall not have the effect nor be construed to prevent any of the proceedings, actions, judgments and decrees hereby rendered regular and confirmed from being impeached and set aside for frauds.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 258.

AN ACT TO PROVIDE FOR TRIAL BY JURY IN CERTAIN
CASES.*The General Assembly of North Carolina do enact :*

SECTION 1. That where any proceeding is instituted to lay out, establish, alter or discontinue public roads or to appoint and settle ferries, and the said proceedings is carried to the superior court in term time by appeal or otherwise, the parties to said proceedings shall be entitled to have every issue of fact joined in said proceedings tried in the superior court in term time by jury.

Controversies concerning roads, &c., carried by appeal to superior court to be tried before jury.

SEC. 2. This act shall take effect from its ratification and shall apply to all such proceedings as are mentioned in section one which are now pending as well as those to be hereafter begun.

Applicable to pending cases.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 259.

AN ACT FOR THE PROTECTION OF FISH.

WHEREAS, It appears from information received that certain parties in North Carolina are, by means of an explosive agent (dynamite cartridges) destroying large numbers of fish in the various waters and rivers of the state; therefore, for the protection of the fish interests of the state :

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That any person or persons using the dynamite cartridge, or any other explosive agent that destroys

Misdemeanor to use dynamite cartridge.

both old and young fish alike, shall, upon conviction in any court of the state or [before] any justice of the peace, be fined not less than five dollars nor more than twenty-five dollars for every time such explosive agents are used.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 260.

AN ACT TO PROVIDE FOR THE LAYING OFF OF A ROAD FROM QUAKER BRIDGE, IN JONES COUNTY, TO A POINT NEAR TAR LANDING, IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact :

Commissioners appointed to lay out and construct road.

Route.

Commissioners to employ surveyor.

Width of road.

SECTION 1. That for the purpose of laying out and establishing a public highway, from some point within a mile of lower Quaker Bridge, on the Trent river, in Jones county, to some point within two miles of Tar Landing, on the New river, in Onslow county, to pass through the public lands known as the White Oak pocosin, the following persons, to-wit: Henry S. Nunn, Jacob F. Scott and F. G. Simmons, on the part of Jones county, and E. L. Franks, Henry Sanderlin and Christopher Stephens, on the part of Onslow county, be appointed special commissioners, with full power and authority to supervise, lay out and construct said road.

SEC. 2. That it shall be the duty of said board of special commissioners to employ a competent and skillful surveyor to survey and locate said road. That said road shall be eighteen (18) feet wide, clear of stumps and runners, and shall be laid off so as to damage as little as possible the lands through which it passes.

SEC. 3. That said board of special commissioners shall have power and authority to condemn any lands along the line of said road, and over which it passes, and if the owner or owners of any of said condemned land shall consider himself injured by the action of said board, it shall be competent for such person or persons to apply by petition to the board of county commissioners of the county in which such injury is done, praying for a jury of not more than twelve nor less than three to view the premises and assess the damages sustained; and it shall be the duty of said county commissioners to have said jury summoned by the sheriff of the county to appear upon said premises within ten (10) days after the meeting at which said petition is filed, who, after being sworn by said sheriff to faithfully discharge their duty, shall proceed to assess the injury sustained by such person, considering the advantage to the land as well as the injury resulting from the making of said road; and upon report of said jury, made to and confirmed by said board of county commissioners, the damage shall be paid by said board of county commissioners out of any fund provided by them for said purpose: *Provided*, that either said board of special commissioners or said injured party may appeal to the superior court from the confirmation of said report, and such appeal shall be governed by the general law.

Commissioners empowered to condemn land.

How damage to land owner to be assessed.

How damages paid.

Proviso.

SEC. 4. The board of directors of the penitentiary of North Carolina are authorized and directed to turn over to the said board of special commissioners twenty-five (25) able-bodied convicts to be worked on the construction of said road, whenever, within the next twelve months, the chairman of said board of special commissioners shall apply for the same and exhibit a certificate from the chairman of the board of commissioners of Jones and Onslow counties that they have made ample provisions to feed, clothe, shelter, medicine and guard said convicts, or shall present other good and sufficient security that said convicts shall be properly fed, clothed,

Penitentiary board to furnish convicts.

Expenses of survey, &c.

sheltered, medicined and guarded and returned to the state penitentiary at Raleigh within twelve months after received. That the members of the board of special commissioners on the part of Jones county are authorized to draw orders on the board of commissioners of Jones county to pay all expenses incurred in surveying and constructing said road in Jones county, and likewise the members of said board of special commissioners on the part of Onslow county are authorized to draw orders upon the board of commissioners of Onslow county for all expenses incurred in surveying and constructing said road in Onslow county.

No compensation to state for condemned land.

SEC. 5. That the state shall receive no compensation for the public lands through which said road shall pass.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 261.

AN ACT TO REGULATE PILOTAGE OVER THE BAR OF OCRACOE INLET AND OVER THE SWASH.

The General Assembly of North Carolina do enact :

Fees for pilotage over Ocracoe Inlet and the Swash.

SECTION 1. That all vessels of five tons burden and upward owned by persons living outside the state of North Carolina shall pay for pilotage over the bar of Ocracoe Inlet, whether passing in or out over said bar, ten cents per ton, and two dollars in addition for each vessel passing in or out over the swash ; and all vessels owned by persons living within the state shall pay on all vessels of fifty ton burden and upwards ten cents per ton for pilotage in or out over the bar of Ocracoe, and two dollars for pilotage in and out over the swash.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 262.

AN ACT TO AUTHORIZE THE WESTERN NORTH CAROLINA RAILROAD COMPANY TO CONTRACT FOR THE BUILDING OF CERTAIN BRIDGES.

The General Assembly of North Carolina do enact :

SECTION 1. That if any person, company or corporation will agree to build any bridge or bridges that may be needed on the lines of the Western North Carolina Railroad and receive in payment for the use of the same out of the earnings of said railroad a rate of interest on ~~the~~ cost of such bridge or bridges not exceeding eight per cent. per annum, the president and directors of the said Western North Carolina Railroad Company, with the approval of the governor, may contract with any such person, company or corporation for the building of such bridge or bridges on the terms aforesaid.

Authorized to contract for building of bridges.

Terms.

SEC. 2. That in case any bridge or bridges shall be built by virtue of any contract under the preceding section, the title to the same shall vest in the person, company or corporation that may build the same: *Provided*, the said Western North Carolina Railroad Company shall have and perpetually enjoy the free and uninterrupted right of way over the same in as ample a manner as if the said bridge or bridges were the property of the said railroad company, upon the payment out of the earnings of the said road of the rate of interest not exceeding eight per cent. on the cost as aforesaid that may be agreed ~~on~~.

Title to vest in builder.

Proviso.

lina Railroad Company at any time after ten years from the completion of any such bridge or bridges shall have the right to acquire the same upon the payment to the owners thereof the original cost of the same, and upon the payment of such original cost the title to such bridge or bridges shall vest absolutely in said Western North Carolina Railroad Company.

SEC. 3. This act shall take effect from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 263.

AN ACT TO SECURE CONVICT LABOR FOR THE PURPOSE OF MAKING PUBLIC ROADS IN THE COUNTIES OF BEAUFORT AND PAMLICO.

The General Assembly of North Carolina do enact:

Penitentiary board
to furnish con-
victs.

SECTION 1. That there shall be assigned by the proper authorities to the commissioners of the counties of Beaufort and Pamlico respectively twenty convicts for the purpose of draining and making the public roads, one leading from the town of Aurora, in Beaufort county, to Bayboro, in Pamlico county, and one from the head of Lower Broad creek, in Beaufort county, to some point on the Plymouth road, in Washington county, the said convicts to be furnished upon the same conditions as to the other public works of the state in which the state has no direct interest.

Convicts employed
on W. N. C. R. R.
not to be reduced
below five hun-
dred.

SEC. 2. That nothing in this act shall be construed to reduce the number of convicts employed on the Western North Carolina Railroad below five hundred.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 264.

AN ACT TO REDUCE THE COSTS OF CRIMINAL PROSECUTIONS.

The General Assembly of North Carolina do enact :

SECTION 1. That no witness shall hereafter receive pay for attendance in a criminal case before a grand jury unless such witness shall have been summoned by direction in writing from the foreman of the grand jury, or from the solicitor prosecuting, addressed to the clerk of the court, commanding him to summon such witness, stating the name or names of the parties against whom his or her testimony may be needed, or shall have been bound or recognized by some justice of the peace to appear before the grand jury.

When witness before grand jury to be paid for attendance.

SEC. 2. No person shall hereafter receive pay as a witness for the state on the trial of any criminal action unless such person shall have been summoned by the clerk under the direction of the solicitor prosecuting in the court in which the action originated, or in which it shall be tried if removed; and no solicitor shall direct that more than two witnesses shall be summoned for the state in any prosecution for a misdemeanor, nor shall any county or defendant in any such prosecution be liable for or taxed with the fees of more than two witnesses, unless the court, upon satisfactory reasons appearing, shall otherwise direct.

When witness on the trial of criminal action to be paid for attendance.

Not more than two witnesses on trial of misdemeanor to be paid, unless court shall direct otherwise.

SEC. 3. That when either the complainant or defendant shall appeal from the judgment of a justice of the peace, in any criminal action, it shall be the duty of such justice

On appeal from justice in criminal action, only two witnesses to be recognized.

of the peace to select and bind over on behalf of the state not more than two witnesses, and neither the county nor the defendant or other party shall be liable for the fees of more than two witnesses on such appeal, unless additional witnesses shall be summoned by order of the court appealed to as provided in the preceding section.

Additional witnesses summoned by order of court.

Solicitor to discharge witnesses, &c.

Certificate of attendance.

SEC. 4. That it shall be the duty of all solicitors prosecuting in the several courts of this state, as each criminal prosecution shall be disposed of by trial, removal, continuance or otherwise, to call and discharge the witnesses for the state, either finally or otherwise, as the disposition of the case may require; and he shall give to each witness so discharged a certificate of the number of days that such witness may have attended during the term. The said certificate shall be in the following or similar form, to-wit:

NORTH CAROLINA, } COURT,
 COUNTY. } Term, 18...
 STATE
 vs.

.....

I certify that has attended as a witness for the state and is entitled to payment for day's attendance at this term.

....., Solicitor.

No witness fees to be taxed unless certificate filed with clerk.

And no county, prosecutor or defendant shall be liable for or taxed with the fees of any witness for the state in any criminal prosecution unless such witness shall obtain and file with the clerk a certificate as aforesaid, nor for a number of days greater than that stated in such certificate. The clerk shall furnish the solicitors several blanks in the foregoing or similar form, for which he shall be paid by the county.

Bills of costs in criminal actions.

SEC. 5. It shall be the duty of the clerks of the courts of the state at each term of the court to make up a

bill of the costs in every criminal action tried at said term which shall be signed by the clerk and approved by the solicitor, and the same when so signed and approved shall be presented to the presiding judge or justice, who shall thereupon make an order in the cause to be filed with the bill of costs, directing how, when and by whom the costs shall be paid : *Provided*, the said judge Proviso. or justice may in his discretion for satisfactory cause appearing direct that a witness or the witnesses shall receive no pay, or only a part of the compensation allowed by law to be fixed by him. And no county shall pay any costs hereafter incurred unless the same shall have been No bill of costs to be paid by county until audited, &c. audited, approved and adjudged against the county as herein provided. The clerk shall receive for every such Clerk's fee. bill of costs the sum of twenty-five cents, to be taxed as a part of the bill of costs.

SEC. 6. That in cases where the court permits a defendant convicted of any criminal offence to give bond or confess judgment, with sureties to secure the fine and costs which may be imposed, the acceptance of such security shall be upon the condition that it shall not operate as a discharge of the original judgment against the defendant nor as a discharge of his person from the custody of the law until the fine and costs are paid. Confession of judgment, &c., to secure fine, &c. Original judgment not discharged until fine, &c., paid.

SEC. 7. That in default of payment of such fine and costs it shall be the duty of the court at any subsequent term thereof on motion of the solicitor for the state to order a capias to issue to the end that such defendant may be again arrested and held for the fine and costs until discharged according to law. Defendant liable to arrest, &c., on failure to pay fine, &c.

SEC. 8. This act shall take effect from and after the first day of April, one thousand eight hundred and seventy-nine.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 265.

AN ACT TO RELIEVE SHERIFFS IN CERTAIN CASES, AND TO
PREVENT THE SACRIFICE OF PROPERTY AT EXECUTION
SALES.

Preamble.

WHEREAS, there has been great uncertainty in the law touching the duties of sheriffs under executions issued on debts contracted prior to the adoption of the constitution, and particularly because of section seventeen, chapter fifty-five, Battle's Revisal, making it a misdemeanor for an officer to make any levy without laying off the homestead, and in consequence thereof many sheriffs have failed to execute process coming into their hands and make due return thereof, and have incurred penalties thereby; and whereas, there are [a] great many executions in the hands of sheriffs which if executed immediately and all at the same time will force the sale of property at merely nominal sums and cause great distress to the people without at all satisfying the claims of the judgment creditors:

The General Assembly of North Carolina do enact :

Sheriffs who have failed to levy under executions issued upon judgments for old debts, relieved from penalties.

SECTION 1. That all sheriffs who have heretofore failed to make a levy on property under execution issued on judgments obtained on debts contracted prior to the adoption of the constitution of one thousand eight hundred and sixty-eight, be and they are hereby relieved of and from any and all penalties and liabilities arising from or because of such failure as aforesaid.

SEC. 2. This act shall suspend all laws in conflict therewith, and shall take effect immediately on its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 266.

AN ACT TO EMPOWER THE TOWN CONSTABLE TO SERVE CIVIL
PROCESS.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be lawful for city and town constables to serve all civil process that may be directed to them for any court within their respective counties, under the same regulations and penalties as are or may be prescribed by law in the case of other constables.

City and town constables authorized to serve civil process as in case of other constables.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 267.

AN ACT TO PREVENT THE FELLING TREES IN ANGOLA AND
SHELTER CREEKS, IN PENDER COUNTY.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to fell any trees, brush or other obstructions calculated to impede the water or hinder navigation in said creeks.

Unlawful to fell trees, &c.

SEC. 2. Any person violating this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not more than ten dollars or imprisoned not more than thirty days, at the discretion of the court.

Misdemeanor.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 268.

AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA
CONCERNING THE DEBT OF THE STATE.

The General Assembly of North Carolina do enact (three-fifths of each house concurring):

Art. 1, sec. 6, Constitution, amended.

SECTION 1. That section six of article one of the constitution shall be amended by adding at the end thereof the following:

Bonds issued under ordinances of convention of 1868, and under acts 1868, 1868-'69, 1869-'70, declared invalid.

"Nor shall the general assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the convention of the year one thousand eight hundred and sixty-eight, nor shall any debt or bond incurred or issued by the legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debts of the state, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the state at a regular election held for that purpose."

Exception.

To be submitted to vote at next general election.

SEC. 2. This amendment shall be submitted at the next general election to the qualified voters of the whole state, those voting in favor of the amendment to vote a written or printed ticket with the words "for amendment concerning public debt" on it, and those voting against it to vote the same kind of ticket with the words "against amendment concerning public debt" on it.

Ballots.

Election, how held.

SEC. 3. The election shall be held and the votes re-

turned, compared and counted and the result announced under the same rules and regulations as were in force when the amendments proposed by the constitutional convention of one thousand eight hundred and seventy-five were submitted to the people in November, one thousand eight hundred and seventy-six.

SEC. 4. This act shall be in force from its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 269.

AN ACT AMENDATORY OF AND SUPPLEMENTAL TO AN ACT PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY AND ENTITLED AN ACT TO PREVENT LIVE STOCK FROM RUNNING AT LARGE IN ROWAN, DAVIE AND OTHER COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That an act passed at the present session of the general assembly and entitled "an act to prevent live stock from running at large in Rowan, Davie and other counties," be amended by inserting therein after the word "Davie," wherever it occurs, the words "Wake and Guilford." Wake and Guilford counties added.

SEC. 2. That upon the adoption of the stock law by a majority of the qualified voters of any township of Wake and Guilford counties, as provided for in said act, said act shall be in force therein; and the county commissioners of Wake and Guilford counties shall thereupon have the right to assess, levy and collect the special tax in and for said townships as provided in said act. When act to be in force, Special tax.

SEC. 3. This act shall be in force from its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 270.

AN ACT TO ALLOW THE COMMISSIONERS OF THE COUNTY OF CRAVEN TO WORK PERSONS SENTENCED TO THE PENITENTIARY FOR ONE YEAR UPON THE PUBLIC ROADS AND OTHER WORKS OF SAID COUNTY.

The General Assembly of North Carolina do enact :

Person sentenced to penitentiary for one year to work on roads, &c.

SECTION 1. That whenever any person in the county of Craven shall be sentenced to the penitentiary for the term of one year the commissioners of said county may send an order to the sheriff of said county requesting him, in lieu of such imprisonment, to retain said prisoner so sentenced to be worked upon the roads or other public works of said county.

Persons sentenced to county jail to work, &c.

SEC. 2. The board of commissioners of said county shall be and they are hereby authorized and empowered to work any person sentenced to the county jail of said county upon the public works of said county.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 271.

AN ACT TO AMEND CHAPTER NINETY-SEVEN OF BATTLE'S REVISAL, CONCERNING THE PRINTING OF THE PUBLIC LAWS.

The General Assembly of North Carolina do enact :

Chap. 97, sec. 15, Battle's Revisal, amended.

SECTION 1. That section fifteen, chapter ninety-seven, of Battle's Revisal, be amended by striking out the words "two thousand seven hundred," in line two of said sec-

tion, and inserting in lieu thereof "four thousand two hundred and fifty." Number of copies to be printed.

SEC. 2. That section sixteen of said chapter be amended by striking out the words "one thousand," in line two, and inserting in lieu thereof "twelve hundred and fifty;" and by striking out the words "seventeen hundred and fifty," in lines two and three, and inserting in lieu thereof "three thousand." Sec. 16 amended. How to be bound.

SEC. 3. All laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force from its ratification.

Ratified this the 14th day of March, A. D. 1879.

CHAPTER 272.

AN ACT CONCERNING SERVANT HIRE IN THE CAPITOL BUILDING.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of seven hundred and fifty dollars is hereby appropriated for servant and watchman hire in the capitol building, the same to be expended under direction of the keeper of the capitol, and the auditor shall audit and the treasurer pay the same upon his warrant. \$750 appropriated for servant hire in capitol.

SEC. 2. This act shall be in force from and after ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 273.

AN ACT TO AMEND THE CHARTER OF THE CHARLOTTE AND TAYLORSVILLE RAILROAD COMPANY, CHAPTER FORTY, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

The General Assembly of North Carolina do enact:

Chap. 40, sec. 1,
acts 1871-'72,
amended.

SECTION 1. That chapter forty, section one, laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, be amended by striking out the words "Troutman's depot," in line eight, and inserting instead the words "the town of Mooresville;" and striking out all after the word "thence," in line eleven, to include the word "line," in line thirteen, and insert instead the words, "in a southerly direction from the town of Mooresville to the town of Concord, in the county of Cabarrus, Albermarle, in the county of Stanly, and Wadesboro, in the county of Anson."

Location of road.

Sec. 2 amended.

SEC. 2. That section two of the above act be amended by striking out the names of all persons appearing in line two [to] seven inclusive and inserting the following: R. P. Matheson, E. M. Stevenson, G. W. Long, Marcus Lip-pard, A. Carson, R. Z. Lenney, J. T. Hedrick, J. P. White, Allen Alexander, Isaac Harriss, A. Leazer, Dr. S. W. Stevenson, J. Y. Templeton, J. O. Moore, S. A. Lawrance, J. L. Phifer, J. S. Fisher, W. J. Montgomery, Elem King, W. W. Robinson, William Little, J. M. Wall, Joseph Crowder, W. L. Rose, H. W. Ledbetter, A. C. Freeman, J. O. Ross, J. S. Atkins, S. J. Pemberton, D. W. Bennett, R. A. Spainhour, J. T. Tinley, J. H. Daughton, J. L. Smith, G. H. Hamilton and Andrew Reeves.

Corporators.

Gauge.

SEC. 3. Insert the following between section ten and eleven: That this road shall be built as a narrow gauge

road with a gauge of three feet, and this shall be known as section eleven (11).

SEC. 4. That said railroad company shall have power Extension of road. to extend its line from the town of Taylorsville, in the county of Alexander, through the county of Wilkes to any point in the county of Ashe or Alleghany.

SEC. 5. Add another section to be known as section Penitentiary board to furnish convicts. twelve: That the board of directors of the penitentiary are hereby authorized and directed to deliver to the president of said railroad company upon application of said president convicts not to exceed in number seventy-five, to be worked by said president, his agent or employees on said railroad until their sentence expires or the completion of said road; said railroad company to be at all the expense for guarding, caring for, feeding and clothing the convicts so delivered; and that section eleven of said act shall be known as section thirteen.

SEC. 6. That the provisions of this act shall not be construed to reduce the number of convicts assigned to work on the Western North Carolina Railroad, and nothing contained in this bill shall revoke the acts of this general assembly giving convicts to other works or improvements in which the state has an interest. Number of convicts assigned to W. N. C. R. R. not to be reduced.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 274.

AN ACT TO PROVIDE FOR THE SALE OF INSOLVENT JUDGMENTS IN FAVOR OF COUNTIES AGAINST DEFAULTING OFFICERS.

The General Assembly of North Carolina do enact :

SECTION 1. That whenever any judgment has been obtained by any county of this state against any defaulting County commissioners empowered to require sheriff to sell at public

auction judgments in favor of county upon official bonds after return of three or more executions unsatisfied.

officer or the sureties on the official bond of such officer and execution has been issued on such judgment three times or oftener against each of the defendants in such judgment, and said execution has been returned unsatisfied in whole or in part, it shall be lawful for the board of county commissioners of the county in whose favor such judgment was rendered to make an order directing the sheriff of such county to sell at the court house door of the county any such judgment as they may in their opinion deem to be on insolvent persons.

Duty of sheriff.

Advertisement of sale.

SEC. 2. That any sheriff to whom an order is issued as provided for in the first section of this act shall advertise said judgment for ninety days at the court house door, one at one place in each township in said county setting forth the amount of the judgment, the date it was issued, the amount remaining unpaid and the names of the defendants in the judgment, and after such notice shall sell said judgment for cash and pay over any money derived from such sale to the county treasurer, or disburse the same when there is no treasurer, as the other moneys are disbursed arising from the taxes for general county purposes.

To be sold for cash. Proceeds, to whom paid, &c.

Judgments heretofore obtained by county.

SEC. 3. That when any judgment has been obtained by any county as provided for in the first section of this act prior to the ratification of this act, there shall be no order of sale made of said judgment until at least three executions have been issued and returned as provided for in said section after the next term of the superior court of said county that may occur after the passage of this act. This bill shall apply only to the county of Wilkes.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 275.

AN ACT TO CHANGE THE COUNTY OF MARTIN FROM THE SECOND TO THE FIRST JUDICIAL DISTRICT, AND THE TIMES OF HOLDING THE COURTS THEREOF.

The General Assembly of North Carolina do enact :

SECTION 1. That the county of Martin be and is hereby annexed to the first judicial district.

Martin county annexed to first judicial district,

SEC. 2. That the superior courts of said county of Martin be held at the following times, to-wit: On the tenth Monday after the fourth Mondays in March and September.

Superior courts, when held.

SEC. 3. This act shall be in force from and after the fourth day of June, one thousand eight hundred and seventy-nine.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 276.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF BRUNSWICK, SURRY AND EDGECOMBE COUNTIES TO PAY CERTAIN SCHOOL CLAIMS.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of education of the counties of Brunswick, Surry and Edgecombe shall at the time required by law for distribution of the public school funds for the counties in the year one thousand eight hundred and eighty, ascertain the amount of outstanding and unpaid school drafts that have been issued for teachers' wages prior to March ninth, one thousand eight hundred and seventy-seven, and which have been audited by said board; and shall notify the school committee of the

Amounts due for teachers' wages prior to March 9th, 1877, to be ascertained.

School committees to be notified.

County treasurer
to pay.

several districts by advertisement at the court houses the amount of claims outstanding against each several districts, together with the amount then due the same, having regard to the distinction between the white and colored schools; and it shall be the duty of the county treasurer to pay off the said old drafts out of any school money in his hands belonging to the district upon which such draft or drafts were drawn. And where new districts have been formed or the boundaries changed the payment of the drafts shall be made by the board in the most equitable manner possible.

No drafts to be issued to teachers for larger sum than remains after payment of outstanding debts.

SEC. 2. It shall not be lawful for the school committees of any district on which said debts are charged to issue drafts to teachers for a larger sum than shall remain after said outstanding debts shall have been paid.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 277.

AN ACT SUPPLEMENTAL TO AN ACT TO AMEND SECTION EIGHT, CHAPTER TWO HUNDRED AND FIFTY-FIVE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, RATIFIED FEBRUARY TWENTY-SEVENTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

The General Assembly of North Carolina do enact:

Superior courts of
Catawba county,
when held.

SECTION 1. That the terms of the superior court of Catawba county, in the eighth judicial district, shall be held on the last Monday in August and on the last Monday in February, and continue for two weeks.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 278.

AN ACT TO APPORTION THE CONVICTS AMONG THE VARIOUS WORKS OF INTERNAL IMPROVEMENTS OF THE STATE.

The General Assembly of North Carolina do enact :

SECTION 1. That the governor and board of directors of the penitentiary are hereby authorized and directed to apportion among the various works of the internal improvements of the state to which convicts have been or shall hereafter be assigned by acts of the general assembly, all the convicts of the state in such manner as they may deem just and right, having regard to the respective numbers assigned to the several works aforesaid : *Provided, however,* that the convicts employed on the Western North Carolina Railroad shall not be reduced below five hundred : *Provided,* that all the convicts of the state shall be kept at work on such internal improvements as the state has an interest in until such time as they may be called for by the president or corporations entitled to them : *And provided further,* that the convicts assigned to the Cape Fear and Yadkin Valley Railroad shall not be reduced below two hundred.

Governor and penitentiary board to apportion convicts.

Proviso.

Proviso.

Proviso.

SEC. 2. All laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 279.

AN ACT TO FACILITATE THE NAVIGATION OF THE STREAMS
OF THE STATE.*The General Assembly of North Carolina do enact:*

Owners of boats
authorized to con-
struct draws in
bridges.

SECTION 1. That whenever the navigation of any river or creek in the state of North Carolina, which in the strict construction of law might not be considered a navigable stream shall be obstructed by any bridge across said stream, that it shall be lawful for any person or persons owning any boat plying on said stream to make a draw in such bridge sufficient for the passage of such boat or boats.

Draws to be con-
structed and main-
tained by owners
of boats.

SEC. 2. The party owning said boat or boats shall construct and maintain said draw at his own expense, and shall use the same in such a manner as to delay travel as little as possible.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 280.

AN ACT CONCERNING THE outhouse OF THE CAPITOL.

The General Assembly of North Carolina do enact:

Resolution "con-
cerning out house
of capitol," rati-
fied March 17th,
1876, amended.

SECTION 1. That section one of a "resolution concerning the outhouse of the capitol," ratified the seventeenth day of March, Anno Domini one thousand eight hundred and seventy-five, be amended by striking out the words "Henry M. Miller," in lines two and three.

SEC. 2. That as thus amended the said resolution is hereby in all respects re-enacted. Resolution as amended re-enacted.

SEC. 3. This act shall be in force from its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 281.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWO OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, TO PROTECT STATES INTEREST IN RAILROADS.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and two of laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five be amended as follows, viz., by adding the following section : Chap. 202, acts 1874-'75, amended.

The governor of the state is authorized and empowered whenever he may think the public service requires it to have the affairs of any railroad in which the state has an interest investigated by a member of the board of internal improvements and to take such action concerning any matter reported upon as the board of internal improvements may deem to the interest of the state. Governor authorized to have affairs of railroads in which state has an interest investigated by member of board of internal improvements.

SEC. 2. The members of the board of internal improvements appointed for the investigation mentioned in section one shall have power to administer oaths, send for persons and papers, and all powers granted to a committee of investigation appointed by the general assembly. Authority to administer oaths, &c.

SEC. 3. Sheriffs shall execute writs of such member of [the] board of internal improvements as they would for a judicial officer of the state, and shall be allowed the same compensation therefor. Any person failing or re- Sheriff to execute writs issued by members of board.

Penalty for failure
or refusal to obey
summons or an-
swer questions.

fusing to obey any summons of or to answer questions when required so to do by such members of the board of internal improvements shall be guilty of a misdemeanor and punished by fine and imprisonment at the discretion of the judge of the superior court of this state before whom his case may be brought.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 282.

AN ACT TO PROHIBIT THE SALE OR EXCHANGE OF PRODUCE BETWEEN SUNSET AND SUNRISE IN THE COUNTIES OF IREDELL, ROWAN AND CABARRUS.

Preamble.

WHEREAS, the Pomona grange met at Mooresville, in Iredell county, on the twenty-ninth ultimo, and at said meeting a resolution was adopted praying the general assembly of North Carolina to pass a law to prohibit the sale and purchase or barter of wheat, rye, oats or corn by any vender of spirituous liquors after sunset and before sunrise in the counties of Iredell, Rowan and Cabarrus:

The General Assembly of North Carolina do enact:

Unlawful to trade
in corn, &c., for
spirituous liquors
between sunset
and sunrise.

SECTION 1. That it shall be unlawful for any person, either himself or by his agent, to buy, sell, barter, exchange or dispose of in any way wheat, rye, oats or corn for spirituous liquors in the counties of Iredell, Rowan and Cabarrus between the hours of sunset and sunrise.

Offender to be ar-
rested, &c.

SEC. 2. Any person violating this act may upon complaint being made on oath before some justice of the peace in the county in which the act was committed be arrested and held to answer the charge, and if found

guilty to be fined not more than ten dollars or imprisonment not more than thirty days in the county jail, the same to be at the discretion of the justice hearing the case.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 283.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-TWO OF THE ACTS OF ASSEMBLY OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

The General Assembly of North Carolina do enact:

SECTION 1. That all the provisions of chapter one hundred and fifty-two of the laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two shall extend and apply to all the waters of Pender county and the Cape Fear river in the counties of New Hanover, Pender and Brunswick, and of the north-east branch of the Cape Fear river in the counties of New Hanover and Pender.

Chap. 152, acts 1871-'72, amended.

Unlawful to take fish with seines, &c., in certain waters.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 284.

AN ACT TO CHANGE THE TIMES OF HOLDING THE COURTS IN
THE NINTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact :

SECTION 1. That the superior courts in the ninth judicial district shall be held as follows:

Buncombe. In Buncombe county on the second Mondays in March and August in each year, and shall remain in session for three weeks unless the business therein shall be sooner disposed of.

Madison. In Madison county on the first Monday after the fourth Monday in March and in August in each year.

Henderson. In Henderson county on the second Monday after the fourth Monday in August and March of each year.

Transylvania. In Transylvania county on the third Monday after the fourth Monday in March and August in each year.

Haywood. In Haywood county on the fourth Monday after the fourth Monday in March and August in each year.

Jackson. In Jackson county on the fifth Monday after the fourth Monday in March and August in each year.

Macon. In Macon on the sixth Monday after the fourth Monday in March and August of each year.

Clay. In Clay county on the seventh Monday after the fourth Monday in March and August in each year.

Cherokee. In Cherokee county on the eighth Monday after the fourth Monday in March and August in each year.

Graham. In Graham county on the ninth Monday after the fourth Monday in March and August in each year.

Swain. In Swain county on the tenth Monday after the fourth Monday in March and August in each year.

Process, &c. SEC. 2. That all process, recognizances and precepts in civil and criminal cases which have been already issued or had returnable to the next term of the said courts shall be deemed and held returnable to the next term of said

courts as fixed by this act; and all persons who have been recognized or bound or summoned to appear at the next terms of said courts for said counties are hereby required to appear as to time prescribed by this act.

SEC. 3. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force from and after the first day of August, one thousand eight hundred and seventy-nine.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 285.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY, LAWS ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, AND CHAPTER ONE HUNDRED AND SIX, LAWS ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and forty, laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, and chapter one hundred and six, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended by adding the sections which follow:

Chap. 140, acts 1874-'75, and chap. 106, acts 1876-'77, amended.

N. C. Border R. R. Co.

SEC. 2. That the location of the road in the county of Granville after leaving Oxford going west shall be upon the water shed of the Tar and Roanoke rivers, running near or between Oak Hill and Goshen in said county, and thence by the most practicable route to Reidsville, in Rockingham county.

Location of road.

Powers granted in sec. 1, chap. 140, acts 1874-'75, extended five years.

Additional commissioners.

Books of subscription.

When commissioners to call meeting of stockholders.

Commissioners of certain towns and counties to guarantee by taxation the interest on bonds authorized to be issued.

Election, how held.

Ballots.

When commissioners to issue bonds.

SEC. 3. That all the privileges heretofore granted by acts of incorporation mentioned in section one be extended five years from the passage of this act, and the following names be added to the list of commissioners mentioned in the aforesaid act, to-wit: John W. Royster, John D. Wilkerson, John W. Watkins and Rufus Amis, any three of whom in either county through which said road may run may appoint agents to open books of subscriptions in their respective counties, and whenever the amount of ten thousand dollars shall be subscribed in any one or two counties to the capital stock of said company it shall be the duty of the commissioners mentioned in the aforesaid acts, including those added by provisions of this section, or any five of them, to call a meeting of the stockholders for all or any of the purposes mentioned in the said aforesaid acts.

SEC. 4. That the commissioners of the towns of Reidsville, Yanceyville, Louisburg, Roxboro, Oxford and Henderson, and of the counties of Rockingham, Caswell, Person and Granville, and any other town or county in which any part of said road may be located, are hereby authorized to guarantee by taxation the interest on such bonds as upon the vote of the qualified voters of each township, town or county, and they may decide each and severally as to the amount of bonds they shall issue to aid in the construction of said road; such election to be held by the qualified voters after due advertisement for thirty days, submitting to each township, town or county the question of issuing such bonds not to exceed five thousand dollars per mile of said road, and not to bear more than six per cent. per annum interest. Those voting for the proposition shall deposit their ballots "bonds," and those voting against shall deposit their ballots "no bonds."

SEC. 5. That if a majority of the qualified voters of said townships or counties as provided in the next preceding section shall vote to issue bonds, the commissioners of said towns and counties are hereby authorized to issue

the same in sums of not less than one hundred and not exceeding in amount five thousand dollars per mile of road as aforesaid, to run thirty years, bearing interest not exceeding six per cent. per annum, payable annually as evidenced by coupons thereon. The said coupons shall be received in payment of all taxes and debts due the corporations mentioned in section four of this act.

SEC. 6. That the stock of the several corporations in said railroad shall be pledged by their several and respective boards of commissioners for the redemption of the bonds at maturity. Any dividends of profit declared on the said stock shall be applied to the payment of interest on said bonds.

SEC. 7. That [for] the purpose of securing the building of said road the company shall have power to mortgage, sell or lease the same with all the franchises or any part thereof, or buy or combine with any connecting line.

SEC. 8. That the said company are authorized to extend said road west to the Tennessee or Virginia border, and through the counties of Stokes, Surry, Alleghany, Ashe and Watauga or any one of them.

SEC. 9. That as soon as the aforesaid company shall be organized and the sum of five per cent. of the capital stock paid into the treasury of the said company, it shall be the duty of the president to make application to the penitentiary board for convicts to work on said road and the board of directors of the penitentiary shall on such application of the president of said road employ on said railroad, under the direction of the authorities of said road and under such guards as may be necessary, as many convicts as may be required by said road, not to exceed two hundred of said convicts, to be governed by and according to prison rules and regulations and under the supervision and control of a superintendent appointed by and subject to the penitentiary board: *Provided*, that the authorities of said road shall pay the hire of said superintendent, and guard, feed and clothe and prop-

Description of bonds.

Stock pledged for redemption of bonds.

Dividends applied to payment of interest.

Authority to mortgage, sell or lease road.

Extension of road.

Penitentiary board to furnish convicts.

Provided.

Proviso.

Proviso.

Proviso.

erly care for the convicts while so employed. That there shall be a net estimate of the labor of the convicts and the state shall have the first lien on said road for the value of the same: *Provided*, this act shall not apply to Henderson township: *Provided*, nothing in this act shall be construed to reduce the number of convicts assigned to or allowed to be employed upon any public work in which the state has an interest: *Provided*, that the counties of Caswell and Person be exempted from the provisions of this bill so far as permission is given the counties by a majority vote to subscribe five thousand dollars per mile to the said proposed road.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 286.

AN ACT TO INCORPORATE THE WILMINGTON, WRIGHTSVILLE AND ONSLOW RAILROAD COMPANY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact :

Body politic.

Name.

Powers, &c.

SECTION 1. That Wm. P. Cannady, Preston Cumming Henry E. Scott, Wm. P. Oldham, Lawson E. Rice, J. B. Proctor, S. H. Fishplate, George Harris and J. W. Shackelford, and such other persons as they may associate with them, their successors and assigns, be and they hereby are created a body corporate by the name of "The Wilmington, Wrightsville and Onslow Railroad Company," and by that name shall be capable in law to buy, sell and hold real and personal estate, make contracts, sue and be sued, make by-laws and do all other acts properly incident to such corporations, and which may be necessary

and proper to carry into full effect the intention of this charter, to have a common seal and the same to alter at pleasure; and it shall have, use and enjoy all other rights, franchises, privileges and powers which by law usually belong to corporations for like purposes.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars in shares of twenty-five dollars each, and such capital stock may be increased to such sum, not to exceed one million of dollars, as the directors of the company may from time to time consider expedient; and the directors may open books of subscription to the capital stock of the company at such times and places and under such rules, regulations and terms as they may deem best.

Capital stock.

Books of subscription.

SEC. 3. Whenever twenty thousand dollars of stock shall be subscribed and five per cent. thereon has been paid in it shall be the duty of the persons before named to call a meeting of the subscribers, who shall elect a board of directors, to consist of such number not less than five as they may determine, and such board of directors shall immediately elect one of their number president, whereupon the company shall be considered fully organized; and said stockholders may provide in their meeting for the appointment of such officers and agents as the company may require, fix the salaries or compensations for all its officers and agents, their terms of office and the mode and time of their election or appointment, and the votes to which the stockholders shall be entitled in general meetings, and to make all needful rules and regulations for carrying out the intentions of this charter.

Meeting of stockholders.

Directors.

President.

Officers.

Compensation, &c.

SEC. 4. The board of directors may call in the remainder of the stock subscribed to be paid in such installments and at such times as they may think proper, and in case any subscriber fails or refuses to make payment according to such call the directors, after giving twenty days' notice, may sell at public auction the shares subscribed for by him, or so many thereof as will pay the whole of the remainder then due upon his subscription, whether it is

Directors to regulate payment of stock subscribed.

Directors authorized to sell on failure of subscribers to pay.

To bring suit for
balance due.

all then called for or not, and if there should remain a balance due after selling and applying the net proceeds of all his shares, then the company may recover such balance before any court which has jurisdiction of the sum so remaining unpaid.

Authority to purchase property,
&c., of W. & S. R.
R. Co.

SEC. 5. The said company is hereby authorized and empowered to purchase at such price as may be agreed upon from William P. Cannady, the present owner thereof, all the capital stock, property and effects, rights, franchises, powers and privileges of the Wilmington and Seaside Railroad Company, a corporation created and existing by virtue of an act of the general assembly of North Carolina, ratified the twelfth day of April, one thousand eight hundred and sixty-nine, and entitled "an act to incorporate the Wilmington and Seaside Railroad Company," and the said William P. Cannady is so authorized and empowered to sell the same.

Charter of W. & S.
R. R. Co., (chap.
276, acts 1868-'69,) extended.

SEC. 6. The said act incorporating "The Wilmington and Seaside Railroad Company" is hereby continued in force for the term of fifty years from and after the expiration of the term of thirty years specified in the tenth section of said act, with all the rights, powers, franchises and privileges contained and conferred therein and now enjoyed by the said company.

W. W. & O. R. R.
Co. on purchase of
W. & S. R. R. Co.
to acquire all its
rights, &c.

SEC. 7. Whenever the said company shall purchase the said "The Wilmington and Seaside Railroad Company," its franchises, privileges, property and effects as aforesaid, it shall then have and enjoy every right, power and franchise conferred on the said corporation by the said act, particularly as set forth in the second, sixth, seventh and eighth sections thereof, and it may in the construction of its road and its branches adopt any grade it may deem best.

Authority to borrow money, issue bonds, &c.

SEC. 8. The said company shall have power and authority to borrow money and to issue its bonds for the payment thereof to the amount of five thousand dollars per mile of its road, to aid in building the same and in

equipping it, the said bonds to draw interest at the rate of six per cent., payable semi-annually, with coupons for the same attached, and to mature at the expiration of ten (10) years from their issuance.

SEC. 9. The governor shall furnish the said company with fifty penitentiary convicts under such regulations as now are or may hereafter be prescribed by law to aid in the grading and construction of the said road and its connections and branches: *Provided*, nothing in this act shall be construed to reduce the number of convicts employed on the Western North Carolina Railroad below five hundred. Governor to furnish convicts.
Proviso.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 287.

AN ACT TO INCORPORATE THE BUCK SWAMP AGRICULTURAL CANAL COMPANY.

The General Assembly of North Carolina do enact :

SECTION 1. That William Burnett, William F. Parker, John R. Branch, Wilson H. Whitaker, C. A. Camp, O. C. Stallings and Thad. Vaughan be and are hereby created a body politic and corporate under the name and style of the Buck Swamp Agricultural Company for the purpose of cutting a canal from the mouth of Buck Swamp where it empties into Fishing Creek to where the Wilmington and Weldon Railroad crosses the said swamp near the town of Enfield, and as such shall have power to sue and be sued in all the courts of this state, to acquire and hold both real and personal property, and to sell and convey the same, to have a common seal which it can change at Body politic.
Name.
Location of canal.
Corporate powers.

pleasure, and to have and enjoy such other corporate rights and privileges as may be necessary and proper for carrying out and accomplishing the purposes of this charter.

Directors to manage business.

SEC. 2. The business of the said corporation shall be managed and controlled by seven directors.

Capital stock.

SEC. 3. The capital stock of the said company shall not exceed fifty thousand dollars, which shall be divided into

When company to be organized.

shares of fifty dollars each. And the said company shall be organized as soon as twenty shares of stock shall be subscribed for in said company; and the parties above named or any two of them may receive subscriptions of stock in the said company, and as soon as twenty shares of stock shall have been subscribed for as aforesaid a meeting of the said subscribers and stockholders shall be called by the said William Burnett, William F. Parker and John R. Branch, to be held at Enfield, in the county of Halifax, on such day as they may direct, notice of which meeting shall be served upon each of such subscribers and stockholders.

Meeting of stockholders.

Directors.

SEC. 4. At the said meeting the said subscribers and stockholders shall proceed to organize the said company by electing seven directors thereof, who shall elect one of their number president and one secretary and one treasurer.

Subscriptions to be paid on organization.

SEC. 5. As soon as said company is organized the subscribers for stock therein shall pay the amount of their subscription to the treasurer thereof. The said company

New subscriptions.

may from time to time receive new subscriptions for stock, which shall be paid for as said company may direct.

By-laws.

SEC. 6. The stockholders in general meeting may adopt such by-laws as they may think proper for carrying on the business of the company not inconsistent with the general laws of the state and this charter.

Authorized to construct canal.

SEC. 7. The said corporation shall have the power to cut, dig and construct a canal for the passage of the

waters of the said swamp from where the Wilmington and Weldon Railroad crosses the said swamp near Enfield to its mouth at Fishing Creek of such width and depth as it may think best, which it may at any time alter, enlarge or diminish, and shall have the power to go upon the lands of any person adjacent to the said swamp for the purpose of surveying the route and cutting the said canal.

To enter upon land, &c.

SEC. 8. For the purpose of ascertaining and adjusting the benefits and advantages to be derived by the owners of the lands on and adjacent to the said canal when cut there shall be appointed a committee of three, one by the said company, one by the owner of the lands to be assessed, and they two shall appoint a third, which committee shall be unconnected with the parties and not interested in the question before them, who shall view the premises, and after hearing such evidence as either party may bring before them shall decide and adjudge to what amount in money the owner of such land is benefited by the cutting of said canal, and shall render their award in duplicate, one of which they shall deliver to the secretary of the said company and one to the land owner aforesaid. The said company shall file its copy with the clerk of the superior court of the county of Halifax, who shall make an entry thereof on his judgment docket, and the said award when thus entered on the judgment docket shall have the same lien upon the lands so assessed as docketed judgments now have, and shall have priority over all other liens.

How benefits to land-owners to be ascertained.

Proceedings before committee.

Award to be filed with superior court clerk and to have lien of docketed judgment.

To have priority over other liens.

SEC. 9. If any owner of land on or adjacent to the said canal when cut, and benefited thereby, shall not consent within three days after written request by said company to have the amount of such benefit and advantage assessed and determined as provided for in [the] foregoing section, then and in that case the said company may proceed to have said assessment made by action in the superior court of such county, or by special proceedings before the clerk

When action or special proceedings to be instituted by company.

Action to be proceeded in as other civil actions.

Judgment lien.

Special proceedings before clerk.

Judgment.

Proceedings to be certified to superior court in term time, on exceptions.

Term of office.

of said court. If such action be brought it shall be regulated in all respects by the rules regulating other civil actions, and the jury therein may assess and declare the amount of the benefits derived by such party from said canal, and the court shall grant judgment for the same, which when docketed shall have the same lien which other judgments now have. If by special proceedings the said company shall file its petition before the clerk of the said court, who shall thereupon issue a summons to such person to appear within ten days from the service of such summons and answer the said petition; the clerk shall thereupon appoint three disinterested freeholders unconnected with the parties, who being first duly sworn by some justice of the peace to do impartial justice between said parties, shall proceed to view the premises and shall declare what benefit, if any, such person has received from the cutting of said canal and the value thereof, and shall make report thereof under their hands and seals to the said clerk within five days from the day of their decision, and shall serve a copy thereof on the said company and the owner of the land so assessed. If no exceptions be filed to such report within five days from the filing thereof the same shall be confirmed by the clerk and he shall give judgment against the defendant for the amount so assessed, which judgment shall be docketed as such judgments now are. If exceptions be filed to the report by either party such party shall enter into an undertaking in the penal sum of not less than two hundred dollars' bond with good security, to be justified before the clerk, for the payment of the costs of such proceeding, and the clerk shall then certify the whole of said proceeding to the next term of the superior court to be held for the said county, in which court it shall be docketed on the trial docket and shall be proceeded with according to law, and the judgment when docketed shall have priority over all other liens.

SEC. 10. The directors, president, secretary and treasurer

shall continue in office for twelve months and until their successors are elected and qualified, and the secretary and treasurer shall enter into bond for the faithful discharge of the duties of their offices in such sum and with such security as the said company may by the by-laws prescribe.

Bond of secretary and treasurer.

SEC. 11. The board of directors of the penitentiary are hereby authorized to assign and deliver to the said company one hundred convicts confined in said penitentiary to work on said canal from the first day of July until the first day of November of each year until the said canal is completed, upon such terms and conditions as such convicts are allowed and assigned to other companies in this state: *Provided*, nothing herein shall be construed as repealing any act heretofore granting convicts to works of internal improvement in the state.

Penitentiary board to furnish convicts.

Proviso.

SEC. 12. Any person who shall obstruct the said canal by cutting trees into or across the same, or in any other manner, shall be guilty of a misdemeanor, and upon conviction thereof in the superior court of said county of Halifax shall be fined not to exceed five hundred dollars or imprisoned not to exceed twelve months, either or both, at the discretion of said court.

Penalty for obstructing canal.

SEC. 13. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 288.

AN ACT TO INCORPORATE ZION WESLEY INSTITUTE, CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That J. W. Hood, T. H. Somax, C. R. Harris, *Body politic.*

Name.	W. H. Thurber, Z. T. Pearsall, A. York, Wm. J. Moore, R. H. Simmons, A. B. Smyer and their associates and successors in office, be and they are hereby created and constituted a body politic and corporate by the name and style of "Trustees of Zion Wesley Institute," a seminary of learning, situated at Concord, in the county of Cabarrus, in the state of North Carolina, and as such, and by said name of the Trustees of Zion Wesley Institute, shall
Powers, &c.	be capable and liable in law and equity to sue and be sued, to plead and be impleaded, to use a common seal, and to make such by-laws and rules for the regulation and government of said institute as they may deem necessary: <i>Provided</i> , said by-laws and rules be not repugnant to the constitution and laws of the United States or of this state.
Proviso.	
Officers.	SEC. 2. That the said board of trustees are and shall be authorized to appoint such officers as they may think necessary and proper for the organization of their own body, and also all the officers, professors, tutors and instructors of and in said institute: <i>Provided</i> , that the annual conference of the African Methodist Episcopal Church of North Carolina or any other assembly to which said conference may transfer its authority, shall have the power of confirming or annulling such appointments and of exercising a general control and supervision over the officers, affairs and government of said institute.
Proviso.	
Trustees empowered to confer degrees, &c.	SEC. 3. That the said board of trustees shall have power and authority to confer and award all such distinctions, honors, licenses and degrees as are usually conferred and awarded in theological seminaries of the United States.
Trustees to hold property, &c.	SEC. 4. That the said trustees and their successors shall have and hold all the estate, property and funds now belonging to said institute, and all property, funds, money, donations, legacies and devises which may hereafter be granted, conveyed, bequeathed and devised or given to said institute, in trust nevertheless for the use and benefit of said institute.

SEC. 5. That said trustees shall be appointed or chosen for the term of four years by the annual conference of the African Methodist Episcopal Zion Church of North Carolina; and said trustees shall be divided as equally as may be into two classes, so that one-half may be chosen every second year after such division takes place; and said conference shall have power and authority to fill all vacancies in said board of trustees which shall occur by death, resignation or otherwise.

Term of office of trustees.

To be divided in two classes.

Vacancies.

SEC. 6. This act shall be deemed and taken to be a public act and continue in force for the term of twenty-one (21) years, or until repealed.

Act to be a public act, &c.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 289.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ANSON COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Anson county be and they are hereby authorized and empowered to levy a special tax in one thousand eight hundred and seventy-nine or one thousand eight hundred and eighty, or in each of said years, at the same time with the other levies, on all subjects of taxation in said county, the said special tax to be applied to repairing the court house in said county; that said special tax shall not exceed three thousand dollars, whether levied in one of the aforesaid years or divided between the two years, and shall be collected and accounted for by the sheriff or other collecting officer in the same manner and under the same pen-

Authorized to levy special tax to repair court house.

Proviso.

alties and within the same time as the other taxes levied in said county: *Provided*, the constitutional equation between property and poll shall be observed in the levy of said special tax.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 290.

AN ACT TO PAY JURORS OF EDGECOMBE AND CRAVEN COUNTIES.

The General Assembly of North Carolina do enact :

\$1,500 of general county fund set apart for payment of jurors.

SECTION 1. That out of the funds annually collected for the general fund for Edgecombe and Craven counties there shall be set apart the sum of fifteen hundred dollars for the purpose of paying off the jurors of said counties.

Jurors to be paid at each term of court.

SEC. 2. That at each term of the court the proper disbursing officers shall pay out of said fund each juror the amount due him for his services.

Excess to be covered into general fund.

SEC. 3. That if under the provisions of this act a fund more than sufficient shall arise to pay the jurors as above provided for, then the fund more than sufficient for said purpose shall be covered back into the general county fund.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 291.

AN ACT FOR THE RELIEF OF THE SURETIES OF JOHN W.
MALLETT, LATE TAX COLLECTOR OF FAYETTEVILLE.*The General Assembly of North Carolina do enact :*

SECTION 1. That the sureties on the official bond of John W. Mallett, late tax collector of the town of Fayetteville, be and they are hereby authorized to collect all arrearages of taxes for the year one thousand eight hundred and seventy-six under the same rules and regulations as are now prescribed for the regular collection of taxes in said town, and the power and authority hereby granted shall cease on the first day of January, one thousand eight hundred and eighty.

Authorized to collect arrearages of taxes.

Limitation of authority.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 292.

AN ACT TO CHANGE THE TIME OF HOLDING THE SUPERIOR
COURTS IN WARREN COUNTY, AND TO ALLOW TWO WEEKS
THEREFOR.*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and fifty-five, section second, of the public laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended as follows: Strike out of the sixth line of said section the words, "Warren, second Monday of March and September," and insert the following, "Warren, first Monday of March and September."

Chap. 255, sec. 2, acts 1876-'77, amended.

Warren superior court.

SEC. 2. This act shall take effect on the thirtieth day after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 293.

AN ACT TO REGULATE THE FEES OF CERTAIN COUNTY OFFICERS IN PITT COUNTY.

The General Assembly of North Carolina do enact :

Superior court
clerk.

SECTION 1. That the superior court clerk shall receive the following fees :

(1.) For every original writ of summons or other original leading process, seventy-five cents ; for every duplicate thereof, twenty cents.

(2.) Recording a return of a sheriff or other ministerial officer, ten cents.

(3.) Receiving, filing and noting on the docket any pleading or demurrer and delivering copies filed to the parties to whom addressed, ten cents.

(4.) Entering order enlarging time for pleading, twenty cents.

(5.) Entering judgment and verdict, seventy-five cents.

(6.) Judgment on any question authorized to be decided by him if there be an appeal to the judge, including statement of the case on the appeal from his decision to the judge, and acknowledging receipt of decisions of the judge and notifying each attorney thereof, seventy-five cents.

(7.) Transcript of record for a judge on issue of the case joined on the pleadings, and acknowledging receipt of decision of the judge and notifying each attorney thereof, forty cents.

(8.) Taking an affidavit to witness or juror's ticket or ^{Superior court clerk.} any other affidavit, ten cents.

(9.) Transcript of case and record for supreme court, one dollar and fifty cents.

(10.) Transcript of judgment, twenty cents.

(11.) Mailing transcript post paid, ten cents.

(12.) Docketing any judgment on execution docket, twenty cents.

(13.) Affixing seal of court when necessary, twenty-five cents.

(14.) Entering on record any order or judgment of a judge on a matter which he has jurisdiction to decide out of term, if not more than one copy sheet, ten cents, and each additional copy sheet, eight cents.

(15.) Issuing subpoena for witnesses if it contains not more than four names, fifteen cents, and five cents for each additional name.

(16.) Copy of any record or other writing in his office, per copy sheet ten cents each for first four and five cents each for every additional one.

(17.) Probate or acknowledgment of a deed or a writing of any sort authorized to be proved, twenty cents, and taking private examination of a married woman with the certificate thereof, thirty cents.

(18.) For ordering the registration of any deed or other written instrument which has been proved in any other county, twenty cents.

(19.) Probate of a will in common form with a certificate and issuing letters testamentary, seventy-five cents.

(20.) Recording will or returns of executors, administrators, guardians or trustees required to make returns, per copy sheet for first four ten cents, and five cents for each additional copy sheet.

(21.) Grant of letters of administration of any sort and taking bond of administrator, including justification of sureties, seventy-five cents.

Superior court
clerk.

(22.) Every notice required to be issued by clerks, ten cents.

(23.) Grant of guardianship, including taking bond and justification of sureties, seventy-five cents.

(24.) Apprenticing infant, including indenture, seventy-five cents.

(25.) Entering caveat on contested will, fifteen cents.

(26.) Recording articles of agreement of proposed corporations, one dollar and fifty cents.

(27.) Issuing commission of any sort, sixty cents.

(28.) Entering return to commission and order for registration of deed, ten cents.

(29.) Auditing account of executor, administrator, guardian or other trustee required to return account, forty cents, if not over three hundred dollars; sixty cents if over three hundred dollars and not over one thousand; if over one thousand dollars, seventy-five cents.

(30.) Continuance of cause, twenty cents.

(31.) Execution, thirty cents.

(32.) Issuing capias, seventy-five cents.

(33.) Taking recognizance, twenty cents.

(34.) Entering judgment against a defaulting juror or witness on bail bond or recognizance, twenty cents.

(35.) Justification of bail or sureties to an appeal, thirty-five cents.

(36.) Presentment or indictment, fifty cents each.

(37.) Auditing final settlement of executor, guardian or other trustee required to return accounts, one-half of one per cent. of the amount on which commissions are allowed to such trustees, if not over one thousand dollars; but in no instance to exceed ten dollars.

(38.) Judgment on any question to be decided by him, if no appeal, forty cents.

(39.) Notifying solicitor of removal of guardian, twenty cents.

(40.) Taking bond or undertaking of any kind, including justification, forty cents.

(41.) Issuing writ of dower, possession or similar process, sixty cents. Superior court clerk.

(42.) Receiving, filing and noting resignation of guardian, relinquishment of right of administrator or executor, ten cents.

(43.) Application for appointment of guardian, ten cents.

(44.) Recording reports, partition and widow's dower, per copy sheet, for first four ten cents each, and five cents for each additional copy sheet.

(45.) For every jury empaneled, ten cents.

(46.) Motion in arrest of judgment, ten cents.

(47.) For every certificate, twenty cents.

(48.) All clerks shall be required to keep posted in their office a fee bill for public inspection and reference, under a penalty of fifty dollars for such neglect. Fee bill to be posted.

SEC. 2. The sheriff shall be allowed fees as follows:

Penalty.

Sheriff.

(1.) Executing subpoena on a witness, twenty-five cents.

(2.) Conveying a prisoner to jail in another county, five cents per mile each way.

(3.) For prisoners' guard, if necessary and approved by county commissioners, going and returning per mile, for each, five cents.

(4.) Taking any bond, including furnishing the blanks, forty cents.

(5.) For every execution in civil cases where sale is made, fifty cents.

(6.) For collecting state and county taxes, three per cent. on amount collected.

SEC. 3. The register of deeds as follows:

Register of deeds.

(1.) Registering any deed or other writing authorized to be registered or recorded by them, with certificate of probate or acknowledgment and private examination of a married woman, containing not more than three copy sheets, fifty cents, and for each additional copy sheet ten cents.

(2.) For issuing each notice required by the county

Register of deeds. commissioners, including subpoenas for witnesses, ten cents each.

(3.) Making out original tax list, one and a half cents for each name thereon; for every duplicate, one cent per name.

(4.) Issuing marriage license, fifty cents.

(5.) As clerk to board of county commissioners, one dollar per day.

Jurors.

Jurors—tales jurors shall receive not more than fifty cents per day and no mileage.

SEC. 4. All laws and clauses of laws in conflict with this act are hereby repealed.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 294.

AN ACT TO ESTABLISH THE BOARD OF NEWBERN HARBOR COMMISSIONERS.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That for the purpose of improving and conserving the harbor of Newbern and its approaches, Jas. A. Bryan, George Allen, Mathias E. Manly, Jr., Sylvester H. Gray, Claudius E. Foy, A. Oaksmith, John Patterson, A. R. Dennison and Wm. J. Clarke and their successors are hereby constituted a board of special commissioners with the usual powers of a public body corporate, under the name and style of the Board of Newbern Harbor Commissioners, and as such shall have perpetual succession, with all the powers incident and pertaining to port wardens and harbor commissioners, with the right to adopt and use a common seal and establish such by-laws, rules and regulations as they deem necessary to carry out the objects of this act.

Name.

Powers, &c.

SEC. 2. Said board shall organize by electing one of Officers. their number as president and appointing a secretary, and within one year after such organization shall cause Harbor to be surveyed, &c. proper surveys to be made or plans proposed of said harbor and its approaches, a copy of which shall be filed in the office of the state librarian for the use of the general assembly. Said board shall have power to fix and deter- Corporate powers. mine the bulkhead and pier lines for the city of Newbern, to regulate its water harbor boundaries and channel approaches, to purchase, acquire or hold any lands or premises required for harbor improvement or quarantine purposes, as also any steam-dredgers, pile-drivers, scows, tugs, boats, vessels, machinery or appliances necessary or useful [for] improving said harbor, or to hire, build or employ the same, to borrow money and issue bonds or other securities, and to make any and all lawful contracts, to license pilots to and from said harbor to the ocean by any and all routes and the same to revoke at pleasure, and generally to do and perform any and every lawful act required in and about the improvement, development and protection of said harbor and its approaches. Said commissioners shall serve without compensation except their actual expenses; they shall have an office in Office. the city of Newbern, and until otherwise provided by law the remaining members may fill any vacancy arising in said board.

SEC. 3. The penitentiary board are hereby authorized Penitentiary board to furnish convicts. and directed upon the written request of said harbor commissioners to employ not less than twenty nor more than fifty convicts upon the work of improving said harbor of Newbern and its approaches, under the supervision and control of said board of harbor commissioners, subject to such rules and regulations as to their guarding, discipline and maintenance as may be agreed between said two boards, who are hereby vested with full power to regulate the same: *Provided*, this act shall be subject to the *pro rata* Proviso. divide according to an act passed at this general assembly.

That nothing in this act shall be construed to reduce the number of convicts employed on railroads in which the state has an interest.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 295.

AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN THE COUNTIES OF WILKES AND ASHE.

The General Assembly of North Carolina do enact:

Boundary line
between Wilkes
and Ashe counties
changed.
Boundary pre-
scribed.

SECTION 1. The boundary line between the counties of Wilkes and Ashe shall hereafter run as follows: Beginning at the Mulberry Gap, running thence west [to] Ziadock's Knob; thence west to Daniel Mills'; thence north-west to the Ashe county line.

SEC. 2. This act shall be in force from its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 296.

AN ACT PROVIDING FOR THE ENGRAVING OF BONDS AND OTHER EXPENSES AUTHORIZED BY AN ACT PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY ENTITLED "AN ACT TO ADJUST AND RENEW A PORTION OF THE STATE DEBT."

The General Assembly of North Carolina do enact:

SECTION 1. That all the expenses of engraving bonds,

clerk hire and any and all other expenses authorized under or necessary to carry out the provisions of the above named "act to adjust and renew a portion of the state debt" shall be paid out of the commission authorized in section eleven (11) of said act, and no part of said expenses shall be paid out of the treasury of the state.

SEC. 2. This act shall be in force from its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 297.

AN ACT TO MAKE PURVINE'S CREEK FROM THE MOUTH OF THE SAME TO THE HEAD THEREOF A LAWFUL FENCE.

The General Assembly of North Carolina do enact :

SECTION 1. That Purvine's creek from the mouth of the same to the head waters thereof be and the same is hereby declared a lawful fence, the same being and lying in Masonboro township, New Hanover county.

Purvine's creek
declared a lawful
fence.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 14th day of March, A. D. 1879.

CHAPTER 298.

AN ACT TO PROVIDE FOR THE INTERNAL IMPROVEMENT OF CRAVEN AND BEAUFORT COUNTIES.

WHEREAS, the counties of Craven and Beaufort would be greatly promoted by cutting a canal from the head of navigation on Little Swift creek, in the county of Craven,

Preamble.

to the head of navigation on Blount's or Durham's creek, in the county of Beaufort, the distance across only being two and one-half miles, which canal would connect the waters of the Neuse with those of the Pamlico or Tar rivers, thus reducing the distance of water communication between Newbern and Washington from two hundred and thirteen miles to thirty-eight; which said canal would not only be of great benefit to agriculture by draining vast tracts of swamp land, much of which is owned by the state, but would materially advance commerce by giving a cheap transportation to a vast extent of country; therefore,

The General Assembly of North Carolina do enact:

Commissioners of
Craven and Beau-
fort authorized to
cut canal.

Route.

Penitentiary board
to furnish con-
victs.

Proviso.

Proviso.

SECTION 1. That the county commissioners of the counties of Craven and Beaufort counties shall be and they are hereby authorized and empowered to cut a canal of such width and depth as in their discretion may seem best adapted to their purposes from some point at or near [the] head of navigation upon Little Swift creek, by the most direct and feasible route either to the head of navigation on Blount or Durham's creek, in the county of Beaufort.

SEC. 2. That for the purpose of constructing said canal the authorities of the penitentiary shall be and they are hereby authorized and empowered to furnish to the said board of commissioners such a number of convicts as they may desire, not to exceed forty in number. Said convicts shall be under the control of the penitentiary board, and shall be fed, clothed and guarded at the expense of said counties.

SEC. 3. *Provided*, the force of convicts on the Western North Carolina Railroad shall not be reduced below five hundred: *And provided further*, this company shall be subject to the *pro rata* division of convicts as provided for in other acts passed at this session.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 299.

AN ACT CONCERNING THE TAKING OF FISH IN THE WATERS OF TRANTOS CREEK AND FLAT SWAMP IN THE COUNTIES OF MARTIN AND PITT.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to take fish from the waters of Trantos creek and Flat swamp, in the counties of Martin and Pitt, with set or skim nets, or to muddy the waters of said streams at any time for the purpose of taking fish, from the junction of the said Flat swamps with Trantos creek to the crossing place above Robersonville, near Station Everetts, and from the said junction up said creek to Colly swamp bridge, without the consent of the owners of the lands along said streams.

Unlawful to take fish with nets, &c., in certain portions of Flat swamp and Trantos creek without consent of land-owners.

SEC. 2. That any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than fifty dollars or imprisoned for not more than thirty days.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 300.

AN ACT TO AMEND AN ACT TO PROHIBIT THE SALE OF LIQUORS IN CERTAIN LOCALITIES, RATIFIED THE TWELFTH DAY OF MARCH, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, CONCERNING PROSPECT CHURCH, IN ROWAN COUNTY.

The General Assembly of North Carolina do enact :

Chap. 300, sec. 1,
acts 1876-'77,
amended.

SECTION 1. That section one of an act to prohibit the sale of liquors in certain localities, ratified the twelfth day of March, Anno Domini one thousand eight hundred and seventy-seven, be amended by striking out the word "Iredell" in line thirty-five of said act and insert in lieu thereof the word "Rowan," being in line three, page four hundred and eighty-two, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 301.

AN ACT CONCERNING THE TAKING OF FISH IN GRINDELL CREEK, IN PITT COUNTY.

The General Assembly of North Carolina do enact :

Unlawful to take
fish with seines,
&c., in certain por-
tions of Grindell
creek without con-
sent of land-own-
ers.

SECTION 1. That it shall be unlawful for any person or persons to take fish from the waters of Grindell creek, in Pitt county, with seine, set or skim nets, or to muddy the waters of said creek at any time for the purpose of taking fish, from the mouth of said creek up to the Greenville

road near Samuel Moore's, Sr., without the consent of the owners of the lands along said creek.

SEC. 2. That any person or persons violating this act Misdemeanor. shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than fifty dollars, or imprisoned for not more than thirty days.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 302.

AN ACT FOR THE SPEEDY TRIAL OF CRIMINALS.

The General Assembly of North Carolina do enact:

SECTION 1. That wherever in any county of the state inferior courts have been or shall hereafter be established under chapter one hundred and fifty-four, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, the said inferior court and the superior court for such county shall have equal power and jurisdiction to enquire of, try, hear and determine all cases of which jurisdiction is by section one of aforesaid act given to said inferior courts, or of which jurisdiction may hereafter be given to them, whether such cases have been returned to the said superior court or to the said inferior court. Concurrent jurisdiction of inferior and superior courts.

SEC. 2. Justices of the peace shall bind all defendants and make all criminal processes returnable, and all appeals from said justices shall be taken in each and all of those cases in which said inferior courts shall have jurisdiction as aforesaid to the next succeeding court after such binding or the issuing of such process or the taking Justices of the peace to bind over defendants in criminal actions to next succeeding court.

of such appeal, whether the said next succeeding court be the superior or the inferior court.

Pending cases remaining untied, to be transferred to next succeeding court.

SEC. 3. All such cases pending in either the inferior or the superior court of any county which shall not have been tried and determined at any term of said inferior or superior court shall be transferred by the clerk of such court to the next succeeding court, whether the same be an inferior or superior court, and shall be proceeded in in the same manner and with like power and jurisdiction to said court (to which they are transferred) to hear, try and determine as if the bill of indictment therein had been originally found by the grand jury of the same: *Provided*, that section two and three of this act shall apply only to those cases in which the defendants or accused are confined in jail: *And provided further*, that in such cases the handing over of the papers by the clerk of one court to the clerk of the other court where the trial is to take place, and the docketing of the cases, with the receipt of the latter on the docket of the former, shall be deemed and held a sufficient transfer of any such case from one court to the other.

Proviso.

Proviso.

SEC. 4. This act shall take effect from and after its ratification.

Ratified this 14th day of March, A. D. 1879.

CHAPTER 303.

AN ACT TO CHARTER THE OCEAN FIRE COMPANY, OF WASHINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporated.

SECTION 1. That J. D. Myers, A. W. Thomas, W. B. Morton, E. Cettinger and others [not] exceeding one hundred in number of the white citizens of the town of

Washington, Beaufort county, be and are hereby authorized to form themselves into a fire engine company, to be known and styled as the "Ocean Fire Company of the town of Washington," and under that name may sue and be sued and plead and be impleaded in any court of the state, and may exercise all powers due and usual to such corporations.

SEC. 2. *Be it further enacted*, that the members of said fire company, while they continue to act as such, may and shall be exempt from work on the streets of the town and from road and militia duty, and from serving as jurors in any court of the state.

Members exempt from work on streets and roads, and from militia and jury service.

SEC. 3. *Be it further enacted*, that the said fire company be and is hereby authorized to pass by-laws for the regulation of the said company, and that a violation of or non-compliance with these laws, unless caused by physical disability or absence from the town, shall [be] and the same is hereby declared a misdemeanor, and shall be heard and determined by the intendent of police of said town on the complaint of the captain of said fire company. If found guilty of such violation of any of the by-laws of the said company the punishment shall be imprisonment in the county jail for five days, to be remitted on the payment of the sum of five dollars to the treasurer of the company by the party found guilty.

By-laws.

Violation of by-laws a misdemeanor or to be tried before intendent of police.

Penalty.

SEC. 4. *Be it further enacted*, that a majority of the acting members who shall attend a meeting advertised for twenty days for the purpose by the secretary of the company shall have and are hereby authorized to enact such by-laws for the company as they shall deem best.

How by-laws to be enacted.

SEC. 5. That any and all laws in conflict with any provision of this act be and the same is hereby repealed.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 304.

AN ACT TO COLLECT ARREARS OF TAXES IN THE COUNTY OF
HALIFAX.*The General Assembly of North Carolina do enact :*Board of commis-
sioners to appoint
tax collector.

SECTION 1. That the board of commissioners for the county of Halifax be and they are hereby authorized and empowered to appoint a tax collector for the collection of all unpaid taxes for the years one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven in said county, and shall deliver to him the tax list for said years.

Unpaid taxes for
1875-'76-'77, to be
collected.

SEC. 2. The said tax collector appointed as aforesaid shall be authorized and empowered to collect all taxes which remain unpaid for the said years one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, and shall pay the same when collected to the treasurer of said county, to be used for county purposes, and he shall proceed to collect said taxes under the laws now in force or which may be enacted by this general assembly for the collection of taxes.

How collected.

Sheriff unauthor-
ized to collect.

SEC. 3. The sheriff of said county in whose hands the said tax lists may have been shall after the passage of this act have no further power or authority to collect any unpaid taxes for said years, and all payments of taxes made to him shall be void and shall not discharge the persons paying the same from liability for said taxes.

Tax collector to
give bond.

SEC. 4. The tax collector appointed under the provisions of this act shall enter into bond with justified security in such sum as the board of commissioners shall require, and shall collect, pay over and account for all unpaid taxes in said county under the laws, rules and

regulations now in force and which may be prescribed by this general assembly.

SEC. 5. No person shall be compelled to pay any tax under the provisions of this act who shall make affidavit in writing before any one authorized by law to administer oaths that he or she has paid the same, or that the same has been paid to the former sheriff of said county before the passage of this act.

Persons making affidavit that tax has been paid not compelled to pay.

SEC. 6. Nothing in this act contained shall be construed to release any sheriff, tax collector or their sureties from any penalty or liability, civil or criminal, already incurred by them or either of them arising in any way whatsoever from violation of any law in reference to the collection, payment and security of state and county taxes and revenue.

Sheriff, &c., not released from penalties incurred.

SEC. 7. This act shall be in force from and after its ratification, and the authority hereby given shall cease and determine on the thirty-first day of December, one thousand eight hundred and eighty.

Limitation of act.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 305.

AN ACT TO AUTHORIZE THE TREASURER OF THE STATE TO EXCHANGE THE STOCK OF THE STATE IN THE ALBEMARLE AND CHESAPEAKE CANAL COMPANY FOR THE BONDS OF THE STATE (NOT SPECIAL TAX).

The General Assembly of North Carolina do enact:

SECTION 1. The public treasurer be and he is hereby authorized and empowered to exchange with the Albemarle and Chesapeake Canal Company the stock of the state of North Carolina in said company for the bonds issued by the state of North Carolina issued before the

Treasurer authorized to exchange state stock for bonds of the state issued prior to May 30th, 1861.

Exchange to be at par.

State's interest in corporation to cease upon exchange.
 Proviso.

twentieth day of May, one thousand eight hundred and sixty-one; that the exchange shall be at par, and no interest shall be allowed upon the bonds.

SEC. 2. That upon said exchange the state's interest in said corporation shall cease: *Provided*, this exchange shall be made before the first of January, one thousand eight hundred and eighty.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 306.

AN ACT TO PREVENT THE DESTRUCTION OF THE SEA TURTLE, TERRAPIN AND MARSH FOWLS ON THE SEA COAST OF BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact :

Misdemeanor to kill sea-turtle, terrapin or marsh hen during season of incubation or to destroy eggs.

SECTION 1. That any person who may kill or destroy the sea turtle, terrapin or the fowl known as the marsh hen during the season of incubation, or who may destroy the eggs of any of the aforesaid species, shall be deemed guilty of a misdemeanor, and upon conviction thereof before a justice of the peace of said county shall pay a fine not exceeding fifty dollars, or be imprisoned for a term not exceeding thirty days.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 307.

AN ACT TO AMEND SECTION ONE, CHAPTER ONE, ACTS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, AND SECTION ONE, CHAPTER TWO HUNDRED AND FIFTY-FIVE, ACTS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact :

SECTION 1. That section one, chapter one, laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, is hereby amended by striking out the word "two" in line four of said section and inserting "three," so that the term of the court therein provided for shall continue for three weeks unless the business shall be sooner disposed of.

Chap. 1, sec. 1, acts 1872-73, amended.

Duration of terms of Wake superior court.

SEC. 2. That section one, chapter two hundred and fifty-five, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be and is hereby amended by adding after the words "two weeks" in line seventh of said section the following words: "and in Wake court three (3) weeks."

Chap. 255, sec. 1, acts 1876-77, amended.

SEC. 3. The terms of said courts in the county of Wake shall begin in each year on the first Monday in January, the second Monday in February, the fourth Monday in June and the second Monday in August.

Terms of court, when held.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 308.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF GOLDSBORO TO ISSUE BONDS TO RAISE MONEY FOR THE ERECTION OF A MARKET HOUSE AND TOWN HALL, AND TO PURCHASE A SITE THEREFOR.

The General Assembly of North Carolina do enact :

Election to be held to determine the question of the issuance of bonds.

SECTION 1. That there shall be an election held in the town of Goldsboro on the fifth day of May, Anno Domini one thousand eight hundred and seventy-nine, for the purpose of determining whether or not the said town shall issue bonds to raise money for the erection of a town hall and market house, and for the purchase of a site therefor, subject to the restrictions hereinafter imposed. Said election shall be held in accordance with the provisions of chapter one hundred and thirty-nine (139) of the laws of the state of North Carolina passed by the general assembly at its session of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven.

How held.

Ballots.

SEC. 2. That at said election all such qualified voters of said town as desire the erection of such market house and town hall, and the purchasing of a site for the same, shall vote a ballot on which shall be written or printed "market house," and those who are opposed to the erection of such market house and town hall, and the purchasing of a site for the same, shall vote a ballot on which shall be written or printed "no market house;" and the returns of said election shall be placed upon the records of the board of commissioners of said town, and shall also be recorded in the office of the register of deeds of Wayne county.

Returns of election.

Commissioners to issue bonds if two-thirds of votes cast is for "Market house."

SEC. 3. If the judges of said election shall find that two-thirds of the votes cast at said election are for "market house," then it shall be the duty of the board of commissioners of said town forthwith to issue coupon bonds of

the said town of the denomination of fifty dollars, one hundred dollars, two hundred dollars and five hundred dollars, with interest at six per cent. per annum, such interest payable semi-annually, for the purposes herein named, and the past due coupons of said bonds shall be received by the authorities of said town in payment of all taxes collectable by said town. Said bonds shall not exceed in amount the sum of twelve thousand five hundred dollars, and shall be due and payable within ten years from the date thereof, or sooner at the option of said town. Said bonds and coupons shall be signed by the mayor of said town and witnessed by the clerk of the board of commissioners of said town; and said board of commissioners shall have power and it shall be their duty, by taxation, to provide for the payment of the interest on said bonds, and also shall provide the means for a sinking fund to pay off and discharge said bonds when they become due and payable, and said board of commissioners shall have no power to sell said bonds below their face value or below par.

Description of bonds.

Past due coupons receivable for town taxes.

Bonds not to exceed \$12,500.

When payable.

How executed.

Commissioners to provide for payment by taxation.

Bonds not to be sold for less than par.

SEC. 4. That all fines and penalties collected by the said town and all income derived from the said market house and town hall shall be set apart in aid of and be applied to said sinking fund.

Certain income of town to be applied to sinking fund.

SEC. 5. That this act shall take effect and be in force from its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 309.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-FIVE, SECTION FOUR, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact:

"Goldsboro"
stricken out.

SECTION 1. The word "Goldsboro," in line three, section four, of the laws of one thousand eight hundred and seventy-six and seven be struck out.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 310.

AN ACT TO REPEAL CHAPTER SIXTY-FIVE, PUBLIC LAWS OF ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, ENTITLED AN ACT FOR THE REMOVAL OF ROAD EXEMPTIONS IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

Chap. 66, acts
1876-'77, repealed.

SECTION 1. That chapter sixty-five, laws of one thousand eight hundred and seventy-six and seven, be and the [same] is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 311.

AN ACT FOR THE INTERNAL IMPROVEMENT OF SAMPSON COUNTY.

WHEREAS, the internal improvement of Sampson Preamble.
county is greatly hindered and her interest injured and
her prosperity retarded by the obstruction in her naviga-
ble waters, especially the Black River and the Six Runs
and the Great and Little Coharie rivers;

AND WHEREAS, a reasonable amount of labor bestowed
upon the above named waters in clearing them of ob-
structions, deepening the channel in one part and widen-
ing the same would open them to navigation, facilitate
the transportation of the numerous and valuable pro-
ducts of that region, and at the same time reclaim large
tracts of valuable land and greatly improve the said
county and promote the industrial and pecuniary inter-
ests of its people: therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners of Sampson
county are hereby authorized and empowered to make
such internal improvements as may be necessary and
practicable, by removing the obstructions in the navigable
waters of said county known as the Black River and the
Six Runs and the Great and the Little Coharie rivers, or
either of them, or by widening and deepening the same in
certain places by the employment of convict labor, and
for that purpose one hundred convicts from the state
penitentiary are hereby assigned to the use of said county
upon the same terms and regulations as are usual in the
case of convicts employed upon the canals and railroads
of the state, to be held and worked under the control of
the board of county commissioners of said county during
the months of July, August, September and October of

County commis-
sioners authorized
to remove obstruc-
tions from certain
streams.

One hundred con-
victs assigned.

Proviso.

Proviso.

the years one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty, or a part of said time in either year: *Provided, however*, that the force of convicts employed on the Western North Carolina Railroad shall not be reduced below the number now on said road: *Provided further*, that nothing herein contained shall be construed to lessen the number of convicts heretofore granted to any railroad in which the state has an interest, nor shall the state be at any charge for the maintenance of the same.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 312.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-FIVE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, RATIFIED MARCH TWELFTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact:

Chap. 263, sec. 4,
acts 1876-'77,
amended.

Limitation of
township tax for
graded schools.

SECTION 1. That the act entitled "an act to authorize townships having within their limits cities of five thousand inhabitants and upward to levy taxes for the support of graded public schools," be amended by adding to the proviso contained in section four the following words: "*And provided further*, that the tax so levied and collected shall not exceed one-eighth of one per centum on property and thirty cents on the poll."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 313.

AN ACT TO PREVENT THE DESTRUCTION OF BLACK FISH
IN WHITE MARSH, IN COLUMBUS COUNTY, NORTH CARO-
LINA.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to catch, take or destroy black fish in the waters of White Marsh, in Columbus county, during the usual spawning season, by any means whatsoever except by hook and line. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished by fine or imprisonment or both in the discretion of any justice of the peace before whom complaint may be made, said fine not to exceed fifty dollars, and imprisonment not to exceed thirty days.

Unlawful to take
black fish during
spawning season,
otherwise than by
hook and line.

Misdemeanor.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 314.

AN ACT TO AMEND THE CONSTITUTION OF NORTH CARO-
LINA IN RELATION TO THE SUPPORT OF THE DEAF MUTES,
THE BLIND AND THE INSANE OF THE STATE.

The General Assembly of North Carolina do enact (three-fifths of the whole representation in each house of the general assembly concurring) :

SECTION 1. That the constitution of this state be altered as follows, to-wit: Strike out all of section ten of article eleven of the constitution of the state and insert in lieu

Art. 11, sec. 10,
constitution,
amended

Indigent deaf
mutes, blind and
insane.

thereof the following: "The general assembly may provide that the indigent deaf mutes, blind and insane of the state shall be cared for at the charge of the state."

Ratified the 14th day of March, A. D. 1879.

CHAPTER 315.

AN ACT SUPPLEMENTARY TO AN ACT TO ALLOW LEAKESVILLE AND OTHER TOWNSHIPS IN ROCKINGHAM COUNTY TO SUBSCRIBE TO THE CAPITAL STOCK IN A RAILROAD.

The General Assembly of North Carolina do enact :

Additional town-
ships authorized
to subscribe.

[SECTION 1.] That the townships of Beaver Island, Saura Town, Meadows and Little Yadkin, in the county of Stokes, be allowed to subscribe to the capital stock of a railroad under the same forms and under the same provisions as are set forth in the act to which this is supplementary: *Provided*, that no bonds shall be issued for said townships until authorized by a three-fifths vote of all the legal voters of said townships.

Proviso.

[SEC. 2.] This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 316.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF LINCOLN COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact :

Commissioners au-
thorized to levy
special tax to pay

SECTION 1. That the county commissioners of the county of Lincoln be and they are hereby authorized and

empowered to levy a special tax upon all property of the said county taxable under the general revenue laws of the state to a sum sufficient to pay the outstanding indebtedness of said county and the current expenses of the same, and for this purpose only.

SEC. 2. That said special tax authorized to be levied by section first of this act shall be levied only for and during the years of one thousand eight hundred and seventy-nine, one thousand eight hundred and eighty and one thousand eight hundred and eighty-one, and shall not for any one of said years exceed the sum of fifteen cents on the one hundred dollars' valuation of taxable property in addition to the amount by the constitution authorized to be levied.

SEC. 3. That said commissioners shall have power to levy said special taxes for each of said years one thousand eight hundred and seventy-nine, one thousand eight hundred and eighty and one thousand eight hundred and eighty-one at the same time and in the same manner as other county taxes are provided for by law, and to be levied and accounted for as other taxes are required by law to be collected and accounted for.

SEC. 4. That this act shall take effect from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 317.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GREENE COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of Greene be and they are hereby authorized to levy and collect a special tax

outstanding
county indebted-
ness.

Proviso.

Proviso.

of five thousand dollars on the polls and taxable property thereof to pay off the indebtedness of said county: *Provided*, that in the year Anno Domini one thousand eight hundred and seventy-nine the sum of twenty-five hundred dollars shall be levied and collected, and in the year Anno Domini one thousand eight hundred and eighty twenty-five hundred dollars shall be levied and collected: *Provided further*, that the equation on polls and property be observed.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 318.

AN ACT TO DEFINE THE LINE BETWEEN BLADEN AND COLUMBUS.

The General Assembly of North Carolina do enact :

Boundary line be-
tween counties of
Bladen and Co-
lumbus.

Proviso.

SECTION 1. That the line between the counties of Bladen and Columbus shall be the run of the Brown Marsh swamp to the south side of the Red Hill road; thence along the south edge of said road to the point where it intersects with the Whiteville and Elizabethtown road; thence south eighty-five and one-half degrees west seven hundred chains to the head of Rattlesnake swamp; then to the old county line north sixty-four degrees west to the run of Rattlesnake swamp, then the run of said swamp to the run of the Horsepin swamp; and that said description of the line shall represent the true boundary line between said counties: *Provided*, that the counties of Bladen and Columbus shall each contribute an equal number of hands for the purpose of working the Red Hill road from the run of Brown Marsh swamp to the point where the said road

intersects with the Whiteville and Elizabethtown road, and the authorities in each county having jurisdiction of this matter shall alternately appoint the overseer for said road, beginning with the authorities in the county of Columbus, who shall first appoint, and the authorities of each county shall assign an equal number of hands from their respective counties to work on said road, and for failure of duties said authorities, overseer and hands shall be liable to all the penalties provided by law on the subject of working the roads.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 319.

AN ACT TO ESTABLISH THE STATE LINE BETWEEN THE STATE OF NORTH CAROLINA AND THE STATE OF GEORGIA BETWEEN THE COUNTIES OF MACON, NORTH CAROLINA, AND RABUN, GEORGIA.

The General Assembly of North Carolina do enact:

SECTION 1. That the state line between the county of Macon, in North Carolina, and Rabun county, in Georgia, be established by a survey: Beginning at what is known as Elliquet's Rock, which is the corner of the states of North Carolina, South Carolina and Georgia, and running thence in a westerly direction to what is known as the Locust Stake in the state line of North Carolina and Georgia, and as much more thereof as is in dispute.

Line to be established by survey.

Boundary.

SEC. 2. That the governor of North Carolina is hereby authorized to appoint a commissioner on the part of North Carolina to co-operate with a commissioner on the part of Georgia in making said survey.

Governor to appoint commissioner on the part of this State.

One hundred dollars appropriated for expenses.

Commissioner to make survey, plat, &c.

Plats to be filed with register of deeds of Macon county and secretary of state, and to be evidence of boundary line.

SEC. 3. That one hundred dollars be appropriated out of the public treasury of North Carolina to defray the expenses of said commissioner, surveyor and chain carriers. Said commissioner shall survey, mark lines, make plat of said survey, with a certificate thereunto that this is a correct plat of said survey, and shall designate in said certificate the noted points, mountains, or other notable points touched by said survey, one copy of said plat of survey to be filed with the register of deeds for Macon county, and shall be recorded by him; one copy with plat to be filed with the secretary of state, properly certified to, as other copies from said officers are required to be, and the same shall be evidence in all the courts of this state of the true line between said states.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 320.

AN ACT TO COMPLETE THE INDEXING OF GRANTS IN THE SECRETARY OF STATE'S OFFICE.

The General Assembly of North Carolina do enact :

Secretary of state authorized to continue indexing the records of his office.

SECTION 1. That the secretary of state is hereby authorized to continue the indexing of the records of his office, and to draw from the state treasury not exceeding eight hundred dollars in favor of the persons performing the work herein authorized.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 321.

AN ACT TO LEGALIZE THE PURCHASE OF LAND FOR THE
PENITENTIARY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the purchase of ten and nine-hundredths acres of land by the board of directors of the penitentiary from William Boylan and wife Mary, by deed dated April seventeenth, one thousand eight hundred and seventy-eight, is hereby legalized and declared valid and of full force.

Purchase of land
from Wm. Boylan
validated.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 322.

AN ACT TO AID IN THE COMPLETION OF THE SEABOARD AND
RALEIGH RAILROAD, RUNNING FROM WILLIAMSTON, IN
THE COUNTY OF MARTIN, THROUGH THE COUNTIES OF
MARTIN, PITT, EDGECOMBE, NASH, FRANKLIN AND WAKE.*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of directors of the penitentiary, on the application of the president of said road, shall furnish for labor on said road convicts not to exceed two hundred (200) in number, said convicts to be in all respects under such guards, laws and regulations as is provided for in other cases where convicts are furnished for public works; and the company of said road shall feed, clothe, guard and furnish all medical aid to said convicts at the

Penitentiary board
to furnish con-
victs.

Proviso.

Convicts, where
to be employed.

expense of the said company. The convicts herein provided for shall be furnished upon the terms as convicts are furnished on roads in which the state has no interest: *Provided*, nothing herein shall be construed as repealing any act heretofore furnishing convicts to other railroads in this state.

SEC. 2. That not over fifty of said convicts shall be employed on that portion of the road between Williamston and Tarboro, the balance to be employed on that portion between Raleigh and Tarboro.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 323.

AN ACT TO PUNISH THE ENTERING OF A DWELLING HOUSE IN THE NIGHT TIME OTHERWISE THAN BY BREAKING.

The General Assembly of North Carolina do enact:

Chap. 166, acts
1874-'75, amended.

Penalty for enter-
ing dwelling
house at night
otherwise than by
breaking with in-
tent to commit a
felony.

SECTION 1. That section one of chapter one hundred and sixty-six of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five be and the same is hereby amended by inserting after the word "house," and before the word "with," in the fourth line of said section the following: "Or any dwelling house in the night time otherwise than by breaking."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 324.

AN ACT TO PUNISH THE FELLING OF TIMBER IN BIG FISHING CREEK, IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any person who shall wilfully fell timber or put any other obstruction in Big Fishing Creek, in the county of Warren, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than ten dollars, or may be imprisoned five days.

Misdemeanor to wilfully obstruct Big Fishing creek.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 325.

AN ACT TO PROVIDE A FUND FOR THE PAYMENT OF JURORS.

The General Assembly of North Carolina do enact:

SECTION 1. On every indictment tried or otherwise disposed of in the superior or inferior courts the party convicted shall pay a tax of two dollars.

Tax of two dollars on indictments.

SEC. 2. In every civil suit in the superior or inferior courts having civil jurisdiction the party who shall be adjudged to pay the costs shall pay a tax of five dollars.

Tax of five dollars in civil actions.

SEC. 3. Said taxes shall be charged by the clerks in the bill of costs and collected by the sheriff and paid into the county treasury, and the fund thus raised in any county shall be set apart for the payment of the jurors attending the courts thereof.

To be charged in bill of costs, &c.

To be set apart for payment of jurors.

SEC. 4. This act shall be in force from its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 326.

AN ACT TO INCORPORATE THE NORTH CAROLINA COAST CANAL COMPANY.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That for the purpose of providing an inland communication from the navigable waters of Virginia to the Cape Fear river, free from the dangers of Hat-teras and the coast of North Carolina, George N. Jarvis, of Currituck, J. C. Meekin, of Dare, W. S. Carter, of Hyde, J. H. Davis, of Carteret, Henry R. Bryan, of Craven, G. J. Scott, of Onslow, C. M. Steadman, of New Hanover, M. Cambright, of New York, Wm. S. Scott, of Pennsylvania, and Marshal Parks, of Norfolk, are constituted a company and body politic under the name and style of

Name.

"The North Carolina Coast Canal Company," and as such to have a corporate existence for ninety-nine years, and

Corporate powers.

by that name to sue and be sued, plead and be impleaded. Said company may have a common seal and shall be capable of purchasing, holding and conveying property, both real and personal, not exceeding two hundred thousand acres, and said company shall be invested with all powers, rights, privileges, immunities and franchises which appertain to other like corporations, and shall be authorized to make all necessary by-laws and regulations for its government not inconsistent with the constitution and laws of the state of North Carolina and the United States.

Subscriptions to capital stock.

SEC. 2. That the persons aforesaid or any three of them are hereby appointed commissioners with authority to receive subscriptions to the capital stock of said company, and to open books of subscription therefor at such times and places as they may appoint.

Amount of capital stock.

SEC. 3. That the capital stock of said company shall consist of one hundred thousand shares of one hundred dollars each.

SEC. 4. That when the sum of one hundred thousand dollars shall have been subscribed a general meeting of the subscribers shall be called in the city of Newbern, and a majority of the subscribers being present either in person or by proxy they shall from the stockholders elect a president and four directors for conducting and managing the business of the company for a term not less than one or more than five years and until their successors shall be elected: *Provided*, in all meetings of the stockholders each share of stock shall be entitled to one vote.

Meeting of stockholders.

SEC. 5. The said company shall be authorized and empowered to receive lands in payment of subscriptions to its capital stock, and to lease or dispose of the same for the use of the company. The said company shall have the right and lawful authority to issue bonds in such sums and at such rate of interest and at such times and places as they may deem necessary, and to secure the same by mortgage upon its canal and other property and franchises.

Empowered to receive land in payment of subscriptions.

SEC. 6. The said company shall be authorized to purchase and hold as many sea-going and other steamers and vessels for the transportation of passengers and merchandise as they may deem necessary, and may purchase, lease and manage such other canals as may now or hereafter be chartered or constructed under authority of the state.

Authorized to purchase vessels.

To purchase or lease other canals.

SEC. 7. The said company shall have full right and authority to dredge out or change the course of any creek, river, sound or bay with which the proposed canal may connect, and to erect, locate or station thereon all such monuments, beacons, buoys or stakes as may be necessary for the navigation of the same.

Authorized to dredge, &c.

To erect beacons, &c.

SEC. 8. The said company shall be authorized to demand and receive reasonable fares, tolls, freights and charges for the use of their canals or any part thereof, and shall establish, prescribe and publish rules and regulations therefor, and any person wilfully and knowingly

Authorized to demand fares, tolls, &c.

To prescribe rules, &c.
Wilful violation a misdemeanor.

violating the same shall be punished therefor as a misdemeanor on complaint of said company before any justice of the peace or by indictment before the superior court.

Wilful injury to
corporate property
a misdemeanor.

SEC. 9. Any person who shall wilfully injure any of the embankments, dikes, locks, bridges, buildings or other property of said company, or shall obstruct said canal or its appurtenances by falling trees therein or otherwise, shall be deemed guilty of a misdemeanor.

Authorized to con-
demn land.

SEC. 10. That the land on each side of the canal for a distance not exceeding four hundred and twenty feet from the centre thereof shall be condemned for the use of said company; and the proceedings of said company in relation thereto or of the land owner seeking indemnity therefor shall be the same as are prescribed in the fifth section of an act of the general assembly ratified on the thirty-first day of March, Anno Domini one thousand eight hundred and seventy-one, entitled an act to incorporate the Kinston and Kenansville Railroad Company.

Proceedings to
condemn.

SEC. 11. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 327.

AN ACT TO INCORPORATE THE ROCKINGHAM AND SALISBURY RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That for the purpose of constructing a railroad from Rockingham, in [the] county of Richmond, to Salisbury, in [the] county of Rowan, through the most practicable route, Robert L. Steele, T. C. Leak, James T. LeGrand, J. M. Scales, T. W. Guthrie, B. F. Little, P. N. Stanback and O. H. Dockery, of Richmond county; D.

C. McAulay, C. W. Worley, W. H. Watkins, Geo. A. Graham and W. Thos. H. Ewing, of Montgomery county; Valentine Mauney, J. O. Ross, J. T. Redwine, Dr. M. T. Waddill and Dr. R. Anderson, of Stanly county; John S. Henderson, S. W. Cole, Paul Heilig, D. A. Davis and Samuel Wiley, of Rowan county, and their associates, successors and assigns, are constituted a company and are hereby incorporated under the name and style of "The **Name.** Rockingham and Salisbury Railroad Company," with a capital stock of five hundred thousand dollars, with the **Capital stock.** privilege of increasing the same to two millions of dollars, which shall have a corporate existence as a body **Corporate existence.** politic for the space of ninety-nine years, and by that name may sue and be sued, plead and be implead in **Corporate powers.** any court in North Carolina, and may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying estate, real and personal and mixed, and acquiring the same by gift or devise so far as may be necessary for the purpose herein contemplated; and the said company may enjoy all the rights and immunities which other railroad corporations may lawfully exercise under the general corporation laws of North Carolina, and may make all necessary by-laws and regulations for its government not inconsistent with the constitution of this state and of the United States.

SEC. 2. The capital stock of said company may be **Subscriptions to capital stock.** created by subscription on the part of individuals, municipal or other corporations, in shares of one hundred dollars each, which may be in lands, timber, work or moneys, as may be stipulated.

SEC. 3. It shall be the duty of the corporators named **Books of subscription.** in the first section of this bill to appoint commissioners to open books of subscription at such places and at such times as to them shall seem best, and under such rules and regulations as they may prescribe; and that said commissioners, or any three of them, after the books have been kept open for thirty days and the sum of thirty

thousand dollars subscribed to the capital stock of said company, and five per cent. paid thereon, have power to call together the subscribers to said stock for the purpose of completing the organization of said company, and the said subscribers shall be and are hereby declared incorporated into a company by the name and style of "The Rockingham and Salisbury Railroad Company."

Meeting of stockholders. **Meetings.** **Directors.** **By-laws.** **Proviso.** SEC. 4. That the said company may hold annual meetings of the stockholders and oftener if necessary, and at its organization and annual meetings subsequent thereto seven directors shall be elected by the stockholders to hold office for one year or until their successors shall be elected, and at any of such meetings shall have power to make or alter the by-laws of the company: *Provided*, that in all such meetings a majority of all the stock subscribed shall be represented in person or by proxy, which proxy shall be verified in the manner prescribed by the laws of the company, and each share then represented shall be entitled to one vote on all questions; that it shall be the duty of the directors to elect one of their number as a president of said company, and to fill all vacancies in the board.

Board of directors to locate and construct road. **Route.** **Exclusive right of transportation.** SEC. 5. That after the company shall be organized as aforesaid the board of directors shall proceed to locate and have constructed as speedily as possible on the route they may find most practicable a railroad as located in the first section of this act. That said company shall have exclusive right of conveyance or transportation of persons and merchandise and produce on the said road to be by them constructed at such charges as may be fixed by a majority of its directors; that said company may assign or lease their franchise or their rights of transportation on said road to any person, persons or corporations.

Authorized to enforce payment of stock subscribed. **To condemn land.** SEC. 6. That the said company shall have the power to use and enforce the payment of stocks subscribed, and shall have power to condemn lands for the use of the

company, when a contract of purchase cannot be made with the owners thereof to the same extent and in the same manner and under the same rules, regulations and restrictions as the North Carolina Railroad Company was authorized to do by act of incorporation.

SEC. 7. That all contracts made and entered into by the president or superintendent of the company by and with the consent of the directors, whether with or without seal, shall be binding upon said company, and the president shall under the instruction of the board of directors issue certificates of stock to the stockholders, which shall be transferable by the laws of the company; that the gauge of said road shall be such as the board of directors may prescribe.

Contracts, how made.

Certificates of stock.

Gauge.

SEC. 8. That the commissioners herein named shall have five years to comply with the provisions of section three of this act.

To be organized within five years.

SEC. 9. This corporation shall have power from time to time to borrow such sums of money as may be necessary for completing and finishing or operating their railroad and to issue and dispose of bonds for any amount so borrowed, and to mortgage their corporate property and franchises to secure the payment of any debt contracted by the company for the purposes aforesaid.

Authorized to borrow money.

To issue bonds.

To execute mortgage.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 328.

AN ACT ENTITLED AN ACT TO SERVE BY MAIL ALL NOTICES
ISSUED BY BOARDS OF COUNTY COMMISSIONERS TO JUSTICES
OF THE PEACE, ROAD OVERSEERS AND SCHOOL COMMITTEEMEN.

The General Assembly of North Carolina do enact :

Register of deeds
to send notices by
mail.

SECTION 1. That the register of deeds for the several counties shall serve by mail all notices issued by board of county commissioners to justices of the peace, road overseers and school committeemen, in lieu of the service by the sheriff of the several counties, and shall receive as his compensation his actual expenses for mailing and nothing more.

Actual expenses
of mailing to be
paid.

SEC. 2. That all laws in conflict with this act are hereby repealed.

Not to apply to
counties where
mail facilities are
insufficient.

SEC. 3. *Provided*, that this act shall not apply to any of the several counties where the mail facilities are insufficient.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 329.

AN ACT EXPLANATORY OF CHAPTER FIFTY-SEVEN OF BATTLE'S REVISAL.

The General Assembly of North Carolina do enact :

Who deemed an
"inebriate" with-
in the meaning of
chap. 57, Battle's
Revisal.

SECTION 1. That any person who habitually, whether continuously or periodically, indulges in the use of intoxicating liquors to such an extent as to stupefy his mind

and to render him incompetent to transact ordinary business with safety to his estate, shall be deemed an inebriate within the meaning of chapter fifty-seven (57) of Battle's Revisal: *Provided*, the habit of so indulging in such use shall have been at the time of inquisition of at least [one] year's standing. Proviso.

SEC. 2. If upon inquisition any person shall [be] found to be an inebriate the probate court or the superior court in or out of term shall immediately appoint some one of his nearest relation by blood or marriage, such relation being a discreet person, guardian of the estate of such inebriate, as in case of orphans. In case such inebriate shall have no relation by blood or marriage competent in the judgment of the court to act as such guardian, or in case such relation shall refuse to act as such guardian, the court shall appoint some other discreet person as such guardian. Appointment of guardian.

SEC. 3. Every guardian of any inebriate shall have all the rights and powers over the estate of such inebriate and shall be subject to all the duties which are conferred and imposed by law upon guardians of minor children. Powers and duties of guardian.

SEC. 4. Whenever an inebriate for whom a guardian shall have been appointed shall become a sober person, and capable of managing his own affairs, the court which appointed such guardian is hereby authorized to remove him and restore to said inebriate all his property, to manage and control in as full and ample a manner as he held the same prior to his having been adjudicated an inebriate. Property of inebriate to be restored to him upon his reformation.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 330.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-TWO OF THE ACTS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact :

Chap. 242, sec. 9,
acts 1876-'77,
amended.

SECTION 1. That section nine of chapter two hundred and forty-two of the acts of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven be amended by striking out all after the word "circuits" in the fifth line of said section down to the word "and" in line ten, and insert in lieu thereof the words, "to be paid as the fees of other solicitors in the several judicial circuits of the state."

Salary of solicitor
stricken out.

Sec. 6 amended.

Salary of Judge
reduced.

SEC. 2. That section six of said act be amended by striking out the words "five hundred" in the fourth line of said section.

SEC. 3. That this act be in force from and after the date of its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 331.

AN ACT TO REPEAL THE LAW PROVIDING FOR THE MAINTENANCE OF LUNATICS OUTSIDE THE INSANE ASYLUM.

The General Assembly of North Carolina do enact :

Chap. 284, acts
1876-'77, repealed.

SECTION 1. That chapter two hundred and eighty-four of the laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven and all other laws and clauses of laws concerning the

maintenance of lunatics outside the insane asylum be Outside lunatics.
and the same are hereby repealed.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 332.

AN ACT FOR THE BETTER PROTECTION OF THE PUPILS OF
THE NORTH CAROLINA INSTITUTION FOR THE DEAF AND
DUMB AND THE BLIND FROM CONTAGIOUS DISEASES, AND
FOR OTHER PURPOSES THEREIN CONTAINED.

The General Assembly of North Carolina do enact :

SECTION 1. That where it shall appear to the satisfaction of the governor upon the affidavit of two respectable citizens that the parents of any deaf mute or blind child are unable to provide said child with clothing and for expenses to and from the institution, or where the child has no living parents, then and in that case the governor shall draw upon the auditor for an amount sufficient to clothe and pay said expenses, and the auditor upon the state treasurer, who shall pay the same: *Provided*, that the auditor shall charge said amount to the county from which said child came and add it to the tax list of the sheriff of said county and collect the same as other amounts due the state: *Provided further*, that the amount charged shall in no case exceed twenty dollars per year for any pupil.

Necessary clothing and traveling expenses of indigent deaf mutes and blind pupils to be paid for out of state treasury.

Amount to be charged to county.

Not to exceed \$20 per annum.

SEC. 2. That the board of directors shall have the lot in front of the colored institution for the purpose of a garden for the pupils, and the sale of a portion of said lot, and all notes and papers may be cancelled, provided the purchasers will agree to give up the bonds, receive their notes and the amount of money advanced by them, and

Lot in front of colored asylum to be used for garden.

Contracts of sale for portions of lot to be cancelled with consent of purchasers.

to this end the governor is fully empowered to effect this arrangement.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 333.

AN ACT FOR THE SUPPORT OF THE PENITENTIARY AND CONVICTS FOR THE YEARS ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE AND ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

The General Assembly of North Carolina do enact:

\$90,000 per annum appropriated.

How divided.

Authorized to use income derived from institution.

Proviso.

Board of directors.

Term of office.

SECTION 1. That the sum of ninety thousand dollars per annum is hereby appropriated for the maintenance, guarding and working of all convicts in the state, to be divided as follows: Forty-one thousand dollars to the support of convicts on the Western North Carolina Railroad, nineteen thousand dollars for the convicts on the Cape Fear Fear and Yadkin [Valley] Railroad and thirty thousand for the penitentiary. The board of directors of the penitentiary may also use for [the] support of the work at the penitentiary any revenue derived from said institution: *Provided*, that if this amount is not sufficient the board of directors shall transfer such number of convicts as may be necessary to works of internal improvements which are carried on without charge to the state.

SEC. 2. The penitentiary and convicts (unless otherwise provided by law) shall be under the directions of a board of five directors to be appointed by the governor, with the advice and consent of the senate; and the members of said board shall hold office for four years, and shall re-

ceive as compensation a sum not exceeding two hundred Compensation.
and fifty dollars per annum for their services.

SEC. 3. The board of directors shall have the wall in Work on peniten-
front of the cell block completed with brick as early as tiary.
possible. They shall also extend the front wall of the west
wing to a sufficient height for safe keeping of the prisoners,
having in view the use of said wall in completing said
wing with a building.

SEC. 4. The convicts worked on railroads in which the Convicts worked
state has an interest shall be under the control of the board on railroad in
of internal improvements, who are authorized to make which state has
regulations and appoint officers, guards, &c., for the work- an interest to be
ing and keeping thereof, which shall be as far as practi- under control of
cable in conjunction with the government of said rail- board of internal
road. improvements.

SEC. 5. The board of directors shall as far as practicable Convicts to be car-
make arrangements for the conveying of convicts from ried from place of
the places where convicted direct to the place where they conviction to place
are to be worked, when it would be to the interest of the where they are to
state so to do. be worked, where
advisable.

SEC. 6. It shall be unlawful for any of the directors to
furnish any of the supplies or materials, directly or indi-
rectly, for the building of the penitentiary or the support
of the convicts.

SEC. 7. All laws or clauses of laws in conflict with this
act are hereby repealed.

SEC. 8. This act shall take effect from and after its
ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 334.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF
EDENTON.*The General Assembly of North Carolina do enact :*

Corporate limits.

SECTION 1. That the northern boundary of the town of Edenton shall begin at the northwest corner of W. A. Moore's Hastefield and run eastwardly along the northern boundary of the said Hastefield, and of the lots of H. A. Bond and John H. Garrett to the Collins' line.

Ward limits.

First ward.

SEC. That the said town shall be divided into three wards as follows, to-wit: That part within the following boundaries: beginning at the south end of Mosely street, thence north along said street, to Church street. thence east along Church street to Broad street, embracing the voters immediately on the north side of Church street, thence south down Broad street to Water street, thence west along Water street to Granville street, thence up Granville street to Blount street, thence along Blount street to the first station, shall constitute the first ward.

Second ward.

That portion within the following boundaries: beginning at the south end of Broad street, thence up said street to Church street, thence eastwardly along Church street to Oakum street, thence along Oakum street to Queen, thence eastwardly along Queen street to the Collins' line, thence southwardly along the Collins' line to the creek, thence along the creek to the south end of Oakum street, thence up Oakum street to the southern line of Dr. W. J. Leary's Haughton lot, thence westwardly along said line a direct course to the main drain of the town, thence down said drain to Edenton Bay, thence along the Bay to the first station, shall constitute the second ward. All that portion of the town of Edenton lying south of the northern boundary of the said

Third ward.

town not included within the boundaries of the first and second wards shall constitute the third ward.

SEC. 3. That the municipal affairs of the town of Edenton shall be controlled by a mayor and six councilmen, who shall be known as the board of councilmen of Edenton, and who shall be elected as follows: Each ward shall elect two of the said councilmen, and the said councilmen at their first meeting after their election shall elect a mayor from among the citizens of the town exclusive of themselves.

Mayor and councilmen.

How elected.

SEC. 4. The councilmen and mayor shall hold their offices for two years from the day of their qualification and until their successors are chosen and qualified. The said bank [board] shall fill all vacancies which may occur during their term of office.

Term of office.

SEC. 5. The mayor and councilmen shall be qualified before any justice of the peace or other officer authorized to administer oaths within ten days after their election.

When to be qualified.

SEC. 6. The mayor shall preside at all meetings of the board of councilmen and vote in case of a tie. He shall be empowered to hear and determine all complaints of violation of the police regulations of said town. The board of councilmen shall at their first meeting elect one of their number to act as mayor *pro tempore* in the event of the absence of the mayor or his inability to serve, who shall when acting have the same powers as the mayor.

The Mayor's powers and duties.

SEC. 7. That the election for councilmen and other officers of the town of Edenton shall be held at such place in each ward as the board of councilmen may designate, and by judges appointed by the said board on the last Thursday in April, one thousand eight hundred and seventy-nine, and every two years thereafter.

SEC. 8. That at the election herein provided for no one shall be qualified to vote unless he has resided in the state twelve months and in the ward in which he offers to vote ninety days immediately preceding such election, and the

Qualification of electors.

judges of election for each ward shall certify the number of votes cast in their respective wards for each officer voted for to the mayor of the said town on the day after each election and he shall declare the result.

Appointment of
registrars.

SEC. 9. That the board of councilmen shall twenty days before such election appoint registrars of voters for each ward and cause written notice of such election to be posted in each ward of the said town.

Ratified the 14th day of March, A. D. 1879.

RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA,
SESSION 1879.

RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA,
SESSION 1879.

A RESOLUTION TO APPOINT A JOINT SELECT COMMITTEE,
AND DETERMINE THE RIDINGS OF THE JUDGES OF THE
SUPERIOR COURTS.

Resolved by the General Assembly: That a committee of five on the part of the Senate and seven on the part of the House of Representatives be appointed to consider the question of settling the ridings of the judges, by adopting a permanent system of rotation, and that said committee be instructed to report as soon as practicable.

Committee to determine ridings of superior court judges.

Read three times in the general assembly and ratified the 14th day of January, A. D. 1879.

A RESOLUTION ON RETRENCHMENT AND REFORM.

Joint committee on
retrenchment and
reform.

Resolved by the House of Representatives, the Senate concurring: That a joint committee of five on the part of the House and three on the part of the Senate be appointed with full power to send for persons and papers, and to administer oaths, to ascertain to what extent the public expenditures may be curtailed, offices and places abolished, and fees and salaries reduced, and report by bill such amendments to the laws as may be necessary for that purpose: *Provided*, that the expenses incurred shall not exceed twenty-five dollars.

Expenses.

Ratified the 14th day of January, A. D. 1879.

A RESOLUTION IN REGARD TO MILEAGE AND PER DIEM.

Resolution, page
567, acts 1876-77,
amended.

Resolved by the House, the Senate concurring: That the resolution in regard to mileage and per diem, page two [five] hundred and sixty-seven, laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended by striking out in line three the word "this," and inserting in lieu thereof the word "the."

Mileage and per
diem.

This resolution shall take effect from its passage.

Read three times in the general assembly and ratified the 18th day of January, A. D. 1879.

A RESOLUTION TO RAISE A JOINT SELECT COMMITTEE TO
EXAMINE THE WESTERN NORTH CAROLINA RAILROAD
AND THE WESTERN INSANE ASYLUM.

Resolved by the House of Representatives, the Senate concurring: That a committee of two on the part of the House of Representatives and one on the part of the Senate, to be appointed by the presiding officers of the respective houses, to which shall be added a practical railroad man who shall be a civil engineer, and who shall be appointed by the governor, to proceed to the Western North Carolina Railroad and the Western Insane Asylum and thoroughly examine and investigate the work now in progress on said works, how the same is being done, the management of the convicts, and also to examine the books, records and papers of said works, and report to this general assembly as early as practicable all the information of any kind whatever which said committee shall deem necessary to a full and complete understanding of the operations of said work. That said committee shall have full power to send for persons and papers and to administer oaths, with a view to carry out the purposes of this resolution: *Provided*, the engineer shall receive the same per diem and mileage as a member of the general assembly during the time he is actually employed and no more.

Joint committee to examine Western N. C. R. R. and Western Insane Asylum.

Empowered to send for persons and papers, &c.

Proviso.

Read three times in the general assembly and ratified the 18th day of January, A. D. 1879.

A RESOLUTION IN FAVOR OF JUDGE DAVID SCHENCK.

WHEREAS, Judge David Schenck was prevented by sickness from holding the spring term of one thousand eight

Preamble.

hundred and seventy-eight of the superior court of Transylvania county: therefore

No deduction to be made from salary on account of failure to hold Transylvania court.

Resolved by the Senate, the House of Representatives concurring: That the said David Schenck be relieved from the operations of chapter one hundred and five, section six, Battle's Revisal, and the treasurer of the state be instructed to make no deduction from his salary.

This act [resolution] shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 21st day of January, A. D. 1879.

A RESOLUTION TO TAKE INTO CONSIDERATION THE FISH INTEREST OF NORTH CAROLINA.

Joint committee to promote the fish interest.

Resolved, the Senate concurring: That a joint committee of five, two on the part of the Senate and three on the part of the House, be appointed to look exclusively after the fish interest of North Carolina, and to devise some plan by which the many streams and waters of the state may be cleared of obstructions. That the steps taken by the last legislature may be more successfully carried out on fish culture.

Read three times in the general assembly and ratified the 21st day of January, A. D. 1879.

A JOINT RESOLUTION REFERRING TO A SELECT COMMITTEE ON HIS EXCELLENCY'S MESSAGE REFERRING TO PUBLIC ROADS, &C.

Resolved by the Senate, the House concurring: That a joint

select committee of eight be appointed, three by the president of the Senate, and five by the speaker of the House, whose duty it shall be to take into consideration that portion of his excellency's message as relates to our public roads and highways, and take such action thereon as may be deemed most expedient to effect the reform therein contemplated.

Joint committee
on public roads
and highways.

Read three times in the general assembly and ratified the 21st day of January, A. D. 1879.

A RESOLUTION TO RAISE A JOINT STANDING COMMITTEE ON
FEDERAL RELATION[s.]

Resolved, That a standing committee of three on the part of the Senate and five on the part of the House be raised to be known as a committee on federal relations to whom shall be referred all bills and resolutions in reference to the relations of the state with the general government, and whose especial duty it shall be to take into consideration that part of the governor's message in regard to the conflict of jurisdiction of the state and federal courts.

Joint committee
on federal rela-
tions.

Read three times in the general assembly and ratified the 24th day of January, A. D. 1879.

A RESOLUTION TO PRINT THE REPORT OF THE COMMISSIONER OF AGRICULTURE.

Resolved by the House of Representatives, the Senate concurring: That the public printer be ordered to print ten additional copies of report of commissioner of agriculture.

Additional copies
of report of com-
missioner of agri-
culture.

ditional copies for each member of the general assembly of the report of the commissioner of agriculture.

Read three times in the general assembly and ratified the 24th day of January, A. D. 1879.

A RESOLUTION IN RELATION TO JUSTICES OF THE PEACE.

Joint committee
on nominations of
justices of the
peace.

SECTION 1. *Resolved by the Senate, the House concurring:* That a committee of thirteen, five on the part of the Senate and eight on the part of the House, be appointed by the presiding officers of the two houses to be known as the committee on nominations of the justices of the peace for the various townships of the several counties of the state.

All nominations
referred to com-
mittee.

SEC. 2. That all nominations of justices of the peace shall be referred to said committee without debate.

Committee to re-
port list.

SEC. 3. That said committee shall report a separate list to the Senate and House, on Tuesday, the eighteenth day of February, out of the nominations thus made to then a list of justices of the peace to fill the vacancies in the various townships of the several counties of the state, caused by the expiration of the terms of office of justices appointed two years ago.

Time appointed
for election.

SEC. 4. That at twelve m. on said Tuesday the legislature shall proceed to elect said justices, and shall continue until the election [is] complete.

Read three times in the general assembly and ratified the 29th day of January, A. D. 1879.

A RESOLUTION IN REGARD TO PURCHASING MAPS FOR THE
USE OF THE LEGISLATURE.

Resolved by the House of Representatives, the Senate concurring: That the secretary of state be required to purchase at the expense of the state, two large maps of the state of North Carolina for use in each department of the state legislature: *Provided*, that said maps shall not cost more than six dollars each. Maps for use of general assembly. Proviso.

Read three times in the general assembly and ratified the 29th day of January, A. D. 1879.

A RESOLUTION REQUESTING THE SECRETARY OF STATE TO
FURNISH CERTAIN INFORMATION RELATIVE TO HIS OFFICE.

Resolved by the Senate, the House of Representatives concurring: SECTION 1. That the secretary of state be required to furnish the general assembly with information as to how far the indexing the laws and documents in his office, as provided for in chapter twenty-seven, laws [of] one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, and chapter thirty-five, laws [of] one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, have been completed; and how much has been expended for clerical aid in the performance of such indexing. Secretary of state required to furnish information concerning indexing of laws, &c.

SEC. 2. That the secretary of state be requested to furnish this general assembly with a statement of the fees and emoluments of his office for the past two years. Required to furnish statement of his fees and emoluments.

Read three times in the general assembly and ratified the 30th day of January, A. D. 1879.

A RESOLUTION TO PAY SENATORS WADDELL AND EVERETT
FOR SERVICES AS MEMBERS OF THE BOARD OF STATE CAN-
VASSERS.

Compensation for
services as mem-
bers state board of
canvassers.

Resolved by the Senate, the House concurring: That the state treasurer be and is hereby authorized to pay senators Waddell and Everitt the mileage and *per diem* received by the members of the general assembly for the days required to discharge their duties for services and expenses as members of the board [of] state canvassers.

This resolution shall take effect from its ratification.

Read three times in the general assembly and ratified the 30th day of January, A. D. 1879.

A RESOLUTION IN FAVOR OF JOHN S. HAMPTON.

Allowed \$42 for
services in exam-
ining accounts of
public printer.

Resolved by the General Assembly of North Carolina: SECTION 1. That the state treasurer be authorized and directed to pay out of any money in the treasury to John S. Hampton the sum of forty-two dollars, balance of his account for examining accounts of the public printer up to January eighteenth, one thousand eight hundred and seventy-nine.

SEC. 2. That this resolution take effect from and after its ratification.

Read three times in the general assembly and ratified the 4th day of February, A. D. 1879.

**A RESOLUTION CONCERNING THE FREE NAVIGATION OF THE
CAPE FEAR RIVER.**

Resolved by the House of Representatives, the Senate concurring: That our senators in congress are hereby instructed and our representatives requested to secure, if possible, the passage of an act of congress making Fayetteville a port of entry and the navigation of the Cape Fear river free, and to secure from the general government an appropriation of money sufficient to improve the navigation of said river between Fayetteville and Wilmington, making said river navigable at all seasons of the year.

Resolution of request to members of congress concerning Fayetteville as a port of entry and the navigation of Cape Fear river.

Read three times in the general assembly and ratified the 4th day of February, A. D. 1879.

A RESOLUTION REQUESTING OUR SENATORS AND REPRESENTATIVES IN CONGRESS TO OBTAIN AN APPROPRIATION FROM THE CONGRESS OF THE UNITED STATES TO OPEN WACCAMAW RIVER.

Resolved by the House of Representatives, the Senate concurring: That our senators and representatives in the Congress of the United States be requested to use their influence to obtain from the Congress of the United States an appropriation sufficient to remove the obstructions to navigation in the Waccamaw river as far up as Waccamaw lake.

Resolution of request to members of congress concerning navigation of Waccamaw river.

Resolved further, That the secretary of state furnish each of our senators and representatives with a copy of this resolution.

Secretary of state to furnish copies.

Read three times in the general assembly and ratified the 8th day of February, A. D. 1879.

RESOLUTION OF REQUEST TO OUR SENATORS AND REPRESENTATIVES IN CONGRESS.

Resolution of request to members of congress concerning improvement of rivers in this state.

Resolved by the General Assembly of the State of North Carolina: That the improvement of our rivers is a work of the deepest importance to a very large and rich portion of this state, and of vast advantage to the general commerce and navigation of the United States.

Resolved, As the work on some of them has now been commenced by the general government, that Congress will fail in one of its great duties to the state of North Carolina and to the commerce and navigation of the country, if the appropriation for the continuation of the improvement of these rivers is not promptly made and the work prosecuted to completion within a reasonable time.

Resolved, That our senators and representatives in Congress be requested to use their best efforts to effect the object contemplated by the foregoing resolutions.

Resolved, That his excellency, the governor, be and he is hereby requested to transmit a copy of these resolutions, as above without delay.

Read three times in the general assembly and ratified the 8th day of February, A. D. 1879.

A RESOLUTION IN RELATION TO THE LABORERS TO BE EMPLOYED IN THE SENATE AND HOUSE OF REPRESENTATIVES.

Employment of laborers for Senate and House of Representatives.

Resolved by the Senate, the House of Representatives concurrenly: That the door-keeper of the Senate be authorized to employ one laborer at one dollar and fifty cents (\$1.50) per day and four pages at one dollar per day each.

That the door-keeper of the House of Representatives be authorized to employ two laborers at one dollar and fifty cents each per day, and one at one dollar per day, and two pages at one dollar each per day.

That no other laborers shall be paid for by the state in either the Senate or House of Representatives unless they be employed by a joint resolution of both houses.

Ratified the 20th day of February, A. D. 1879.

A RESOLUTION ON ADJOURNMENT.

Resolved, That a message be sent to the House of Representatives proposing the appointment of a committee of three on the part of the Senate and five on the part of the House to take into consideration the business before the general assembly, and report what measures of general public importance should be acted upon, preparatory to an early adjournment of this general assembly.

Joint committee
on adjournment.

Read three times in the general assembly and ratified 22d day of February, A. D. 1879.

A RESOLUTION IN FAVOR OF THE ENGROSSING CLERKS OF THE HOUSE AND SENATE AND ENROLLING CLERK OF THIS GENERAL ASSEMBLY.

Resolved by the House of Representatives, the Senate concurring: That the engrossing clerks of the House and Senate and the enrolling clerk of this general assembly be allowed the same *per diem* as the principal and assistant clerks.

Per diem of engrossing and enrolling clerks.

This resolution shall take effect from the first day of the present session.

Read three times in the general assembly and ratified the 25th day of February, A. D. 1879.

A RESOLUTION IN FAVOR OF NORTH CAROLINA MEMORIAL OF ARMS IN HONOR OF GENERAL GEORGE WASHINGTON.

Fifty dollars allowed Mrs. Lattitia Walker.

WHEREAS, the Mount Vernon Association has requested of each state the memorial of arms of each state; therefore,
Resolved, That the treasurer of the state pay Mrs. Lattitia Walker, North Carolina's representative in said association, the sum of fifty dollars for memorial of arms.

Ratified the 25th day of February, A. D. 1879.

RESOLUTION IN FAVOR OF THE RALEIGH NATIONAL BANK OF RALEIGH, NORTH CAROLINA.

Preamble.

It being made to appear to the satisfaction of the general assembly that the Raleigh National Bank of Raleigh, North Carolina, held twenty-one (21) coupons clipped from bonds of the state of North Carolina of the following descriptions and dates, to-wit: seven coupons of the par value of thirty dollars each, due from first January, one thousand eight hundred and sixty-nine, to first January, one thousand eight hundred and seventy-two, both inclusive, cut from bond number seven hundred and twenty-nine, issued under three acts of the general assembly, ratified respectively on twenty-seventh January, one thousand eight hundred and forty-nine, and twenty-second

ond and twenty-fifth December, one thousand eight hundred and fifty-two; also seven other coupons each of the par value of thirty dollars, due on and from first January, one thousand eight hundred and sixty-nine, to first January, one thousand eight hundred and seventy-two, both inclusive, cut from bond number eleven hundred and forty-five, issued under and by virtue of said three acts; also seven other coupons of the par value of thirty dollars each, due on and from first January, one thousand eight hundred and sixty-nine, to first January, one thousand eight hundred and seventy-two, both inclusive, cut from bond number fourteen hundred and thirty-three, issued under and by virtue of said three acts;

AND WHEREAS, it is made to appear to the satisfaction of the general assembly that the said bank has lost the said coupons, and that the same have not been paid and cannot now be presented for payment on account of their loss: therefore

Resolved by the General Assembly of North Carolina: That the public treasurer be authorized and required to issue to the said Raleigh National Bank of Raleigh, North Carolina, a certificate of indebtedness of the said state to the said bank for the sum of six hundred and thirty dollars for and on account of the said twenty-one coupons so lost as aforesaid, which certificate of indebtedness shall be signed by the public treasurer of the state and sealed with the seal of his office, and shall show by endorsement thereon the consideration for which and the resolution under which the same was issued, which certificate of indebtedness when issued as above directed shall represent and stand in the place of the above mentioned coupons in all respects whatsoever, and be as binding upon this state and upon any security provided for the payment thereof as were the above said coupons in lieu of which it is issued.

Treasurer authorized to issue certificate of indebtedness to Raleigh National Bank for certain lost coupons clipped from state bonds.

Resolved further, That before the public treasurer shall

Bank to execute
indemnifying
bond.

issue the said certificate of indebtedness, the said Raleigh National Bank shall execute its bond under its corporate seal in the penal sum of fifteen hundred dollars with two or more good sureties, to be judged of by the public treasurer, and payable to the said state of North Carolina, and conditioned that if the said coupons shall hereafter be produced or claimed by any other party, and such claim shall be sustained by the proper legal authority, then and in that case the said Raleigh National Bank will pay the said sum of six hundred and thirty dollars to the state or such party as may be legally entitled to receive the same; and further, that the said bank will save and protect the said state from all harm, damage and cost which it may sustain in any way whatsoever on account of the issuing of the certificate of indebtedness as aforesaid.

Resolved, That this resolution shall be in force from and after its ratification.

Ratified the 26th day of February, A. D. 1879.

A RESOLUTION TO DEVELOP THE AGRICULTURAL AND OTHER MATERIAL INTERESTS OF NORTH CAROLINA.

Preamble.

WHEREAS, the joint committee on agriculture and the committee on emigration in joint session, appreciating the great necessity of emigration to our state, for the speedy development of her agricultural and mineral resources; therefore,

20,000 copies of
appendix to report
of geological survey,
&c., to be
printed and distributed.

Be it resolved by the General Assembly of North Carolina:
That twenty thousand (20,000) copies of the appendix to the report of the geological survey of North Carolina and the proceedings and correspondence of the convention of northern settlers, held at Charlotte, North Carolina, January fifteenth, one thousand eight hundred and seventy-

nine, be published in cheap pamphlet form and distributed under the auspices of the agricultural department in other states than North Carolina.

Ratified the 27th day of February, A. D. 1879.

A RESOLUTION IN REGARD TO PURCHASES OF STATIONERY.

Resolved by the House of Representatives, the Senate concurring: Stationery for use of House of Representatives.

SEC. 1. That the secretary of state be authorized to purchase such articles of stationery as are imperatively needed for the use of this House of Representatives to supply immediate necessities, such purchases to be made on application of the principal clerk of the House of Representatives.

SEC. 2. This resolution shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1879.

A RESOLUTION REQUESTING THE SECRETARY OF STATE TO FURNISH TO JUDGES AND SOLICITORS COPIES OF CERTAIN IMPORTANT ACTS OF THE PRESENT GENERAL ASSEMBLY.

Resolved by the Senate, the House of Representatives concurring: Secretary of state to furnish copies of certain acts to judges and solicitors. That it shall be the duty of the secretary of state to forward to each of the judges of the superior courts of the state and to the solicitors of the several judicial districts, as soon as practicable, certified copies of the following acts passed by the general assembly at its present session, to-wit:

1st. An act to empower the foreman of grand juries to administer oaths ;

2d. An act for the punishing of the crime of incest ;

3d. An act to amend sections eight and ten of chapter thirty of Battle's Revisal, relating to the duties of county treasurers ;

4th. An act to prohibit the removal of cases except when the ends of justice absolutely requires it ;

5th. An act to require the prosecution to pay the costs in criminal proceedings in certain cases ;

6th. An act defining the jurisdiction of judges of the superior courts as to the granting of injunctions and restraining orders, and the appointment of receivers ;

7th. An act for the relief of prisoners confined in the common jails of this state ;

8th. An act to define the criminal jurisdiction of justices of the peace. And also to furnish the said judges and solicitors copies of any other acts of a public nature, taking effect before the first of June, one thousand eight hundred and seventy-nine, which in his judgment will be needed by said officers during the spring circuit of the superior courts of the current year in order to secure a proper execution of the laws and administration of justice, and that he shall receive for said services the compensation provided by law.

Ratified the 4th day of March, A. D. 1879.

RESOLUTION REQUIRING THE SECRETARY OF STATE TO
ISSUE A GRANT TO JOEL T. FURGUSON, IN WILKES
COUNTY.

Secretary of state
to issue grant to
certain land in
Wilkes county to
Joel T. Furguson.

WHEREAS, on the eleventh day of December, one thousand eight hundred and thirty-two, Clifton Keeton paid into the office of the public treasury of North Carolina

the sum of ten dollars, it being in full for purchase money for one hundred acres of land entered and surveyed in the county of Wilkes, as per entry's certificate, number four thousand and seventeen, for which sum the public treasurer has issued two certificates of the same tenor; and

WHEREAS, said Clifton Keeton did never obtain a grant for the same, but did forty-six years ago sell and convey his right to said land to one Joel T. Furguson, who has held and paid the taxes on said lands for the last forty-six years; therefore be it

Resolved, That the Secretary of State be instructed to issue at once the grant to the said Joel T. Furguson, dated back to the time the purchase money was paid into the public treasury.

Ratified 5th day of March, A. D. 1879.

RESOLUTION IN FAVOR OF THE CLERK TO THE COMMITTEE ON NOMINATIONS OF JUSTICES OF THE PEACE, AND THE CLERK TO THE TELLERS ON THE ELECTION OF JUSTICES OF THE PEACE, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do resolve: SECTION

1. That the clerk to the committee on nominations of justices of the peace be allowed compensation to the amount of fifty dollars; and to the clerk of the tellers of the two houses for making two copies of the tellers' reports, the sum of fifteen dollars; and to the principal clerk of the Senate, ten dollars for having two copies of the nominations for justices of the peace prepared.

Compensation of clerk to committee on nominations of justices, &c.

SEC. 2. That the auditor be instructed to issue his warrants for the above amounts, and the treasurer to pay the same as soon as this resolution shall be ratified.

Ratified the 10th day of March, A. D. 1879.

A RESOLUTION FOR A CONFERENCE WITH THE AUTHORITIES OF SOUTH CAROLINA AND TENNESSEE FOR THE PURPOSE OF SECURING THE REMOVAL OF OBSTACLES TO THE FREE PASSAGE OF FISH UP THE YADKIN AND OTHER STREAMS.

Concerning free passage of fish up the Yadkin and other streams.

Resolved by the Senate, the House of Representatives concurring: That the governor be authorized and requested to open correspondence with the governors of South Carolina and Tennessee with the view of securing the co-operation of those states in the removal of all obstructions to the free passage of fish up the Yadkin river and other streams leading from North Carolina into the states of South Carolina and Tennessee.

Ratified the 10th day of March, A. D. 1879.

A RESOLUTION ASKING OUR SENATORS AND REPRESENTATIVES IN CONGRESS TO ADVOCATE THE ESTABLISHMENT OF TWO UNIVERSITIES IN THE SOUTH.

Preamble.

WHEREAS, the education of the people is necessary for the preservation and maintainance of the principles of free government;

AND WHEREAS, one of the results of the late war has been to deprive the youth of the south of those advantages for educational purposes enjoyed by other sections of the union;

AND WHEREAS, the whole country would be benefitted by having this great want supplied by the establishment in the south of universities in which the poor and deserving youth may without compensation receive those advantages which will properly fit them for the discharge of their duties as men and citizens;

AND WHEREAS, near the head waters of the beautiful Swannanoa, at the foot of the highest peak east of the Rocky Mountains, there is a location unrivaled for its beauty, its healthfulness, the purity of its air and the sweetness of its waters, eminently fitting it as a site for one of said universities, therefore

Be it resolved by the House of North Carolina, the Senate concurring: That our senators and representatives in Congress be requested to introduce a bill in the Congress of the United States asking that two universities be established by the general government in the south, one for the education of the white youth of the south, to be located at the point above indicated, and the other for the education of the colored youth at such point in the south as may be most proper for that purpose, and that Congress make an appropriation of one million of dollars for the establishment of each university upon such terms and conditions as to them shall seem meet and proper.

Resolution of request to members of congress concerning establishment of two universities in the South.

Ratified the 11th day of March, A. D. 1879.

RESOLUTION IN RELATION TO THE FUNERAL EXPENSES OF
THE LATE CHIEF JUSTICE PEARSON.

SECTION 1. *Resolved by the Senate, the House of Representatives concurring:* That the public treasurer be and he is hereby authorized and directed to pay out of any moneys not otherwise appropriated the sum of five hundred and eighty-two dollars and thirty-eight cents to Richmond Pearson, executor of Richmond M. Pearson, late chief justice of the supreme court of the state, to reimburse said executor the expenses attending the funeral and burial of the said Richmond M. Pearson, at Raleigh.

\$582 38 appropriated for funeral expenses of the late Chief Justice Pearson.

SEC. 2. *Resolved,* That before payment of the said sum

the treasurer require a deed to be executed to the state for the plat of ground in Oakwood cemetery, at Raleigh, in which said Richmond M. Pearson was buried.

Ratified the 12th day of March, A. D. 1879.

RESOLUTION TO PRINT CAPTIONS OF ACTS AND RESOLUTIONS
OF THE GENERAL ASSEMBLY.

Printing of captions of bills and resolutions.

Resolved by the Senate, the House concurring: That the secretary of state is hereby authorized and instructed to have fifty copies of the captions of all bills and resolutions passed at this session of the general assembly printed for each member.

This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

RESOLUTION IN FAVOR OF THE PRINCIPAL CLERKS OF
THE SENATE AND HOUSE OF REPRESENTATIVES.

\$100 allowed principal clerks of Senate and House of Representatives for extra services.

SECTION 1. *The General Assembly of North Carolina do resolve:* That the principal clerks of the Senate and House of Representatives be each allowed one hundred dollars for extra work.

SEC. 2. This resolution shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

A RESOLUTION IN FAVOR OF THE ENGROSSING AND ENROLLING CLERKS OF THIS GENERAL ASSEMBLY.

Resolved by the Senate, the House of Representatives concurring : That the engrossing clerks of the Senate and House of Representatives and the enrolling clerk of this general assembly be allowed fifty dollars each for extra services.

\$50 allowed engrossing and enrolling clerks for extra services.

This resolution shall be in force from its ratification.

Ratified the 13th day of March, A. D. 1879.

RESOLUTION IN FAVOR OF THE READING CLERKS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Resolved by the Senate, the House of Representatives, concurring : That the reading clerks of the general assembly be allowed fifty dollars each for services, and that the treasurer of the state be directed to pay the same.

\$50 allowed reading clerks.

This resolution to be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

RESOLUTION IN FAVOR OF D. W. FURMAN AND JOHN C. SYME, ASSISTANTS TO THE PRINCIPAL CLERKS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Resolved by the Senate, the House of Representatives concurring : That the treasurer is hereby directed to pay D. W. Furman and John C. Syme, assistants or calendar clerks, to the principal clerks of the Senate and House of

\$50 allowed assistants to principal clerks of Senate and House of Representatives.

Representatives, the sum of fifty dollars each for extra services as such clerks.

This resolution shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

RESOLUTION REQUESTING OUR SENATORS AND REPRESENTATIVES IN CONGRESS TO PROCURE AN APPROPRIATION TO MAKE LUMBER RIVER NAVIGABLE.

Resolution of request to members of congress concerning navigation of Lumber river.

SECTION 1. *Resolved by the Senate, the House of Representatives concurring*: That our senators and representatives in Congress be requested to use their influence to get an appropriation to make Lumber river navigable.

SEC. 2. That the secretary of state be requested to furnish copies of this resolution to each of our senators and members of the house of representatives of the Congress of the United States.

Ratified the 13th day of March, A. D. 1879.

RESOLUTION OF INSTRUCTION TO OUR SENATORS AND REPRESENTATIVES IN CONGRESS TO AID IN APPROPRIATION TO DEEPEN AND WIDEN THE RIVERS AND SOUNDS OF EASTERN NORTH CAROLINA.

Preamble.

WHEREAS, the Albemarle and Chesapeake Canal and the Inland Coast Canal in connection with the Currituck, Croatan and Pamlico sounds and Neuse and Newport rivers, afford a direct and safe avenue for commerce between the states, and connects the naval site at Norfolk

with the country from which the products necessary to build up the navy are for the more part favored ;

AND WHEREAS, this line of communication avoids the dangerous reef of the coast and offer in time of war an inland line free from the dangers of enemies cruisers, and the stockholders of the canal ask no aid from the government for the maintenance of their work,

The General Assembly of North Carolina do resolve : That our senators in Congress be instructed and our representatives requested to urge the passage by the Congress of the United States of an appropriation sufficient to clear out and deepen Currituck, Croatan and Pamlico sounds, and Neuse and Newport rivers so that the depth of the entire line shall be commensurate with the needs of commerce.

Resolution of request to members of congress concerning the waters of eastern North Carolina.

Ratified the 14th day of March, A. D. 1879.

RESOLUTION IN FAVOR OF W. V. CLIFTON.

Resolved by the Senate, the House of Representatives concurring: That W. V. Clifton, employee of the Senate, be allowed fifty dollars extra pay for his service as assistant door-keeper of the Senate.

\$50 allowed W. V. Clifton, assistant door-keeper.

Ratified this the 14th day of March, A. D. 1879.

RESOLUTION CONCERNING THE PAGES AND OTHER EMPLOYEES OF THE HOUSE.

The House of Representatives hereby resolve : That the

\$10 allowed pages, &c., for extra services. pages and employees of the House shall be allowed the sum of ten dollars each for extra services.

SEC. 2. This act [resolution] shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

RESOLUTION ON ADJOURNMENT.

Adjournment.

Resolved by the House of Representatives, the Senate concurring: That this general assembly adjourn *sine die* on Friday the fourteenth instant, at twelve o'clock, m.

Ratified the 14th day of March, A. D. 1879.

RESOLUTION IN FAVOR OF ALFRED WILLIAMS & CO.

Purchase of stationery.

Resolved by the Senate, the House concurring: That the auditor of the state is hereby directed to audit, and the treasurer of the state to pay to Alfred Williams & Co., the sum of four dollars and twenty-five cents for one dozen boxes paper-fasteners furnished the secretary of the Senate for the use of the Senate.

This resolution shall take effect from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

A JOINT RESOLUTION TO AMEND A RESOLUTION REQUIRING AND PROVIDING FOR INDEXING THE JOURNALS OF THE TWO HOUSES OF THE GENERAL ASSEMBLY, AND PREPARING AND INDEXING THE LEGISLATIVE DOCUMENTS, PASSED AT THE SESSION OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, AND RATIFIED THE TWELFTH DAY OF MARCH, ANNO DOMINI ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

Resolved by the Senate, the House concurring: That the above named resolution be amended by striking out in said resolution the words "fifty-five" and inserting the words "one hundred."

This resolution shall go into effect from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

\$100 allowed for indexing journals of 1876-'77.

RESOLUTION IN FAVOR OF R. P. HOWELL.

Resolved by the Senate, the House of Representatives concurring: That R. P. Howell be allowed twenty-eight dollars for seven days' services as assistant enrolling clerk for the last general assembly, for which he never received any compensation.

Resolved, That this resolution shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

\$28 allowed R. P. Howell for services as assistant enrolling clerk 1876-'77.

RESOLUTION IN FAVOR OF ASSISTANT CLERK FOR EXTRA SERVICES.

\$25 allowed W. R. Gales, assistant clerk.

Resolved by the House of Representatives, the Senate concurring: That the sum of twenty-five dollars be paid to Weston R. Gales, one of the assistant clerks to the principal clerk of the House of Representatives for services in copying journals, &c., after the adjournment of this general assembly.

Ratified March 14th, 1879.

RESOLUTIONS IN FAVOR OF RICHARD CLAYTON, TAX-COLLECTOR OF CHOWAN COUNTY.

Preamble.

WHEREAS, the list of taxables for the year one thousand eight hundred and seventy-eight, for the county of Chowan, under schedule B and C, of the act of assembly of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, known as the revenue act, was on the first day of July, one thousand eight hundred and seventy-eight, delivered to James H. Manning, then the sheriff of Chowan county as required by law, by virtue of which it appears he has collected the taxes due by said list;

AND WHEREAS, on the first Monday of October, one thousand eight hundred and seventy-eight, the said Manning having failed to execute his bond for the collection of taxes in said county as required by law, the board of commissioners of Chowan county appointed Richard Clayton tax-collector for said county and delivered to him the balance of the tax-list for the year one thousand eight hundred and seventy-eight, by virtue of which the said Richard Clayton, tax-collector, has collected the balance

of taxes due the state in said county of Chowan, and is ready to settle in full with the state treasurer for all the taxes due the state in said county of Chowan, except the taxes collected by the said Manning, under schedule B and C, but the auditor declines to audit his accounts because he has not collected the taxes due under schedule B and C;

Resolved first, by the Senate of North Carolina, the House of Representatives concurring: That the auditor be authorized to audit the accounts of said Richard Clayton, tax-collector, without reference to the taxes due the state from the taxables in Chowan county under schedule B and C of the act of general assembly aforesaid, known as the revenue act: *Provided*, that nothing in this act shall be construed to relieve the said J. H. Manning or his sureties from any penalties or responsibilities imposed by law for failure to settle with the state treasurer for the taxables contained in said schedule B and C, and that the register of deeds of Chowan county forward to the auditor an abstract of the unlisted taxables of said county to the end that judgment may be taken against the said J. H. Manning, sheriff of Chowan county, for any default on his part.

Auditor directed to audit accounts of Richard Clayton, tax-collector, without reference to taxes due from Chowan county, under schedules B and C, revenue act.

Proviso.

Resolved second, That this resolution shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

RESOLUTION TO PAY THE ACTUAL EXPENSES OF THE COMMITTEE APPOINTED TO INVESTIGATE THE WESTERN NORTH CAROLINA RAILROAD.

Resolved by the House of Representatives, the Senate concurring: That the committee appointed to investigate the affairs of the Western North Carolina Railroad Company

\$50 allowed committee to investigate W. N. C. R. R. for actual expenses.

be and they are hereby allowed the sum of fifty dollars each, being the amount of their actual expenses, and the auditor is directed to audit and the treasurer is directed to pay said sum of fifty dollars to each of said committee, namely: George H. Snow, R. B. Davis and B. C. Cobb, immediately upon the passage of this resolution.

Ratified the 14th day of March, A. D. 1879.

RESOLUTION IN FAVOR OF W. W. ROLLINS.

Attorney general
directed to dismiss
suit against W. W.
Rollins.

Proviso.

Proviso.

Resolved by the Senate, the House of Representatives concurring: That the attorney general be instructed to dismiss the suit now pending in the superior court of Wake county *vs.* W. W. Rollins, and that the penalty incurred by said Rollins by failure to report in due time be remitted: *Provided, however,* that the entry of dismissal shall not be made nor the penalty remitted until the costs of said suit shall be paid by the defendant therein in full: *Provided, further,* that the attorney general be directed not to suspend proceeding against the said Rollins until he shall have made and submitted to the governor a satisfactory itemized statement of the number of bonds or other moneys or property received by him on compromise or otherwise of any suits in Florida or elsewhere, what amount collected by way of interest on said bonds, who has custody of said bonds, and whether any of them have been mortgaged or hypothecated.

Ratified the 14th day of March, A. D. 1879.

A RESOLUTION CONCERNING THE PENITENTIARY SUNDAY
SCHOOL.

WHEREAS, The object of our penitentiary is not only Preamble.
to restrain criminals and prevent them from committing
offences against the well-being of society, but also to reform
them in their mode of life, in order that when they leave
that institution they may "cease to do evil and learn
to [do] well";

AND WHEREAS, nothing has so high, refining and enno-
bling an influence on the wicked and depraved as the
simple and beautiful example of Him "who spoke as
never man spake," which is laid down in the Book of
Books; therefore,

The General Assembly of North Carolina hereby resolve : Thanks returned
to certain gentle-
men for conduct-
ing Sunday school
at penitentiary.
SECTION 1. That the thanks of all good citizens and of
the general assembly as the representative of the people,
are due and are hereby respectfully tendered to the noble
christian gentlemen who, sacrificing their own personal
comfort, have so ably and energetically conducted the
penitentiary Sunday school for the past four or five years,
administering to the spiritual wants of this class of our err-
ing brethren.

SEC. 2. The sum of fifty dollars shall be and the same \$50 appropriated
for purchase of
Bibles and other
religious books.
is hereby appropriated to purchase Bibles and other reli-
gious books for the use of said Sunday school.

SEC. 3. This resolution shall be in force from and after
its ratification.

Ratified March 14th, 1879.

RESOLUTION IN FAVOR OF CERTAIN WITNESSES IN CASE OF
STATE VS. SWEPSON.

Preamble.

WHEREAS, certain witnesses residing in the county of Buncombe and counties beyond are necessary and material witnesses for the state in an indictment against George W. Swepson for obtaining bonds from the state by false and fraudulent representation now pending in the superior court of Franklin county;

AND WHEREAS, said witnesses are unable to attend the court by reason of their inability to pay their actual and necessary expenses in said attendance, now

Expenses of certain witnesses for state in indictment against Geo. W. Swepson to be paid by treasurer.

Resolved by the General Assembly of North Carolina: That the treasurer be and is hereby authorized and empowered upon the warrant of the governor to pay said sum or sums as the governor may deem and find necessary for the purpose of defraying the actual expenses of the afore-said witnesses in their attendance upon and going to and returning from said court or such courts as the case may be removed to: *Provided, however,* that the governor's warrant shall not be drawn upon the treasurer except for the payment of expenses of such witnesses as may be certified to him by the attorney general to be material and necessary for the state in said indictment: *And provided further,* that said witnesses shall transfer to the treasurer of the state their tickets and the treasurer shall cover the same in the treasury to reimburse the state.

Proviso.

Proviso.

Ratified the 14th day of March, A. D. 1879.

RESOLUTION IN FAVOR OF JESSEE HATHCOCK, OF CABARRUS COUNTY.

WHEREAS, Jessee Hathcock, private in company — of the tenth regiment of North Carolina troops, was wounded while in the active discharge of his duties as a soldier at the battle of Gettysburg, Pennsylvania, and has carried a minnie ball in his ankle ever since, and that it now becomes necessary for his leg to be amputated to save his life;

\$50 allowed J. Hathcock, a disabled soldier.

AND WHEREAS, he is very poor and has a family to support by his daily labor, and has been confined to his bed for the past three months;

AND WHEREAS, all the other confederate soldiers of the state were allowed limbs or money by the general assembly of the state in similar cases;

Resolved by the General Assembly of North Carolina : SECTION 1. That the public treasurer be and is hereby authorized and directed to pay Jessee Hathcock, of Mount Pleasant, Cabarrus county, the sum of fifty dollars to enable him to have his leg amputated.

SEC. 2. That this resolution be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

RESOLUTION IN RELATION TO CERTAIN REPAIRS ON CAPITOL GROUNDS.

Resolved by the House of Representatives, the Senate concurring : That the resolution ratified the third day of March, Anno Domini one thousand eight hundred and seventy-seven, laws of one thousand eight hundred and seventy-six

Expenses for repairs on capitol grounds.

and one thousand eight hundred and seventy-seven, entitled "a resolution of instruction to the keeper of the capital," [be amended so] that the auditor be authorized to audit, upon the approval of the state board, such accounts of expenses as may be incurred in carrying out the provisions of said resolution, as follows: for hiring the necessary guards, quarrying and hauling stone, furnishing and repairing such tools as may be needed, and employing a skilled workman to superintend the work.

Ratified the 14th day of March, 1879.

RESOLUTION PROVIDING FOR AID FOR THE ORPHAN ASYLUM
AT OXFORD, NORTH CAROLINA.

\$3,000 appropriated
to Oxford Orphan
Asylum.

Proviso.

Resolved by the Senate, the House of Representatives concurring: That the treasurer of the state pay annually out of any money not otherwise appropriated the sum of three thousand dollars to the proper authority of the orphan asylum located at Oxford, Granville county, to be used for the support and education of the orphans at said institution: *Provided*, that the superintendent of said institution shall through the governor make a report to each general assembly of the condition and management of said institution.

This resolution shall go into effect from after its ratification.

Ratified the 14th day of March, A. D. 1879.

RESOLUTION IN FAVOR OF D. S. SIDES, OF ROWAN COUNTY,
WHO LOST HIS RIGHT ARM AND RIGHT LEG IN THE CON-
FEDERATE SERVICE.

Resolved by the Senate, the House of Representatives concur- \$60 annual allow-
ring: That the state treasurer be directed to pay the sum ance to D. S. Sides,
of sixty dollars annually to D. S. Sides, of Rowan county, a disabled soldier.
a disabled confederate soldier, who lost his right arm and
his right leg while serving the state in the late war
between the states: *Provided,* that the same proof shall be Proviso.
had as is now required by law in regard to those who
have lost both eyes and both legs.

Ratified the 14th day of March, A. D. 1879.

RESOLUTION IN FAVOR OF THE PAGES AND COLORED KEEPER
AT THE DOOR OF THE SENATE.

Resolved, That the pages be allowed ten dollars each \$10 allowed pages
extra for service and labor late at night, and that the for extra services.
same sum be allowed the colored keeper at the door.

Ratified the 14th day of March, A. D. 1879.

PRIVATE LAWS
OF THE
STATE OF NORTH CAROLINA
SESSION 1879.

PRIVATE LAWS
OF THE
STATE OF NORTH CAROLINA,
SESSION 1879.

CHAPTER 1.

AN ACT FOR THE RELIEF OF F. J. SATCHWELL, SHERIFF OF
BEAUFORT COUNTY.

WHEREAS, Fenner J. Satchwell, sheriff of Beaufort ^{Preamble.}
county, was enjoined by an order of the superior court of
said county from collecting the state and county taxes
levied for one thousand eight hundred and seventy-eight;
therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the time for settling with the state ^{Time extended.}
treasurer be extended until the first day of March, one
thousand eight hundred and seventy-nine, and upon the
payment of these funds by the first of March all fines and
penalties accruing from his not collecting and paying
over the same as prescribed by law are hereby remitted.

SEC. 2. This act shall be in force from and after its rati-
fication.

Read three times in the general assembly and ratified
the 24th day of January, A. D. 1879.

CHAPTER 2.

AN ACT FOR THE RELIEF OF THE SURETIES OF J. M. MONGER,
LATE SHERIFF OF MOORE COUNTY.*The General Assembly of North Carolina do enact :*

Actions pending
to be dismissed
upon settlement of
taxes.

SECTION 1. That upon proof before the superior court of Moore county that all the state and county taxes for which he is liable have been settled with the proper officers by the said Monger, and the exhibition of the receipts of the proper officers for the said taxes, and upon payment of costs by said Monger, any and all actions pending against the said Monger and his sureties for penalty or penalties for failure to settle said taxes shall be dismissed.

SEC. 2. That this act shall take effect from and after its ratification.

Read three times in the general assembly and ratified the 24th day of January, A. D. 1879.

CHAPTER 3.

AN ACT FOR THE RELIEF OF BENJAMIN F. BULLOCK, LATE
SHERIFF OF GRANVILLE COUNTY.*The General Assembly of North Carolina do enact :*

Relieved from
penalties.

SECTION 1. That Benjamin F. Bullock, late sheriff of Granville county, shall be relieved from all fines, penalties and forfeitures incurred by reason of his not making settlement of the taxes due the state within the time prescribed by law: *Provided*, he makes payment in full to the public treasurer, including all costs which shall be chargeable against him, on or before the first day of April,

Proviso.

Anno Domini one thousand eight hundred and seventy-nine.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 29th day of January, A. D. 1879.

CHAPTER 4.

AN ACT TO AMEND CHAPTER EIGHTY-THREE, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact :

SECTION 1. That in private laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, chapter eighty three, the word "Union" be stricken out in the title, and in the eighth line of the first section, and the word "Mecklenburg" be substituted in lieu thereof.

Chap. 83, private-acts 1876-'77, amended.

SEC. 2. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 4th day of February, A. D. 1879.

CHAPTER 5.

AN ACT TO AMEND THE CHARTER OF DAVIDSON COLLEGE.

The General Assembly of North Carolina do enact :

Chap. 13, sec. 5,
acts 1838-'39,
amended.

SECTION 1. That the act ratified the twenty-eighth December, one thousand eight hundred and thirty-eight, amending the charter of Davidson College be amended by striking out the word "forty-eight" in the fifth section thereof, and inserting the word "sixty," so that it will read : "the said corporation shall not consist of more than sixty members."

SEC. 2. That this act shall go into effect from and after its ratification.

Read three times in the general assembly and ratified the 4th day of February, A. D. 1879.

CHAPTER 6.

AN ACT TO INCORPORATE PAYNE'S BENEVOLENT SOCIETY,
IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Edmund Michal, Alex. McEntire, Cezar Craton, John Carrier, Lewis McDowell, John Morrow, Lynch Twitty, Alfred Bryan, Jenkins Duffy, Raleigh Mills, Toliver Twitty, Thomas Foster, John Elliott, Martin Miller, Edmund Michal, Jr., Bryan Hogue, Ebenezer Revis, Eliza Baber, Eliza Davis, Pauline McEntire, Mary A. Michal, Mary E. Michal, Jane Davis, Caroline Twitty, Clarisa Leventhorpe, Caroline McKinney, Ella Miller,

Mary Twitty, Sarah Michal, Milly Craton, Martha McDowell, Augusta Bryan, Lisby Miller, Jane Miller, Eliza Carrier, Louisa Morrison, Rachel Washburn, Louisa Twitty, Lucy Miller, Charity Walton, Brinkly Miller, and their successors be and they are hereby declared to be a community, corporation and body politic by the name and style and title Payne's Benevolent Society, and by ^{name.} that name they and their successors shall and may at all times be capable in law to have, receive and retain to them and their successors property both real and personal, also devises and bequests of any person or persons, bodies corporate or politic, capable of making the same, and the same at their pleasure to transfer or dispose of in such manner as they may think proper.

SEC. 2. That the said corporation and their successors, ^{Powers.} the name and style and title aforesaid, shall be capable of suing and being sued, plead and impleaded, answer and be answered unto, defend and to be defended in any and all courts of justice before any and all judges, officers and persons whatsoever in all and singular actions and demands whatsoever.

SEC. 3. That it shall and may be lawful for the said ^{Rights, privileges, &c.} corporation to have a common seal, to elect officers, to make such constitution and by-laws as may be deemed necessary for the good government of said society not inconsistent with the constitution and laws of the United States and of North Carolina, and it shall in general have and exercise all such rights, privileges and immunities as by law are incident and necessary to corporations and what may be necessary to the corporation herein constituted.

SEC. 4. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 4th day of February, A. D. 1879.

CHAPTER 7.

AN ACT TO INCORPORATE "KINSTON FIRE COMPANY, NUMBER ONE," OF THE TOWN OF KINSTON.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That William F. Stanly, George B. Webb, Alpheus McCullen, Herbert W. Cummings, Henry G. Griffin, B. W. Caunaday, and such other persons as they may associate with them, and their successors, be and they are hereby constituted a body corporate under the name and style of the "Kinston Fire Company, number one," of the town of Kinston.

Powers.

SEC. 2. That said body corporate shall have power to sue and be sued, plead and be impleaded by their corporate name, to use a common seal, to acquire and hold real and personal property not to exceed five thousand dollars in value, and to adopt such by-laws and regulations as may be necessary for the good government of the same.

Exemptions.

SEC. 3. That the members of said company while they continue to act as firemen shall be exempt from service in the militia, from service on juries and from work on the public highways.

Certificate of discharge after ten years service.

SEC. 4. That any officer or member of said company after ten years continuous service in the company and upon application shall be provided by the company with a certificate of discharge from said company signed by the foreman and countersigned by the secretary, which certificate shall from the date of issue of the same forever exempt such officer or member from military or jury duty or working on the public highways.

Property exempt from taxation.

SEC. 5. That all property acquired by said company shall be exempt from taxation while held and used for the sole benefit of the same.

SEC. 6. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 8th day of February, A. D. 1879.

CHAPTER 8.

AN ACT TO INCORPORATE THE BURGAW MALE AND FEMALE ACADEMY.

The General Assembly of North Carolina do enact :

SECTION 1. That D. B. Black, D. Shaw, A. H. Padison, Body politic. E. Porter and A. H. Williams, their associates and successors, are hereby created a body politic and corporate under the name and style of the Trustees of Burgaw Male Name. and Female Academy, and in that name may sue and be Powers. sued, plead and be impleaded, contract and be contracted with, acquire and hold, enter upon and possess in their corporate capacity property real and personal, such as may be necessary and suitable for maintaining a school of high grade in the town of Burgaw, in the county of Pender, with power to make all needful rules and regulations for their own government and that of said academy, and shall have continual succession in such capacity : *Provided*, there shall be an annual election by the stockholders of Proviso. trustees, whose number shall never exceed nine nor be less than three.

SEC. 2. That in case of vacancy occurring in said board Vacancy in board of trustees, how filled. of trustees it shall be filled by appointment by the remaining members thereof.

SEC. 3. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 8th day of February, A. D. 1879.

CHAPTER 9.

AN ACT TO INCORPORATE GERMANIA LODGE, NUMBER FOUR,
ORDER OF KNIGHTS OF PYTHIAS, WILMINGTON, NORTH
CAROLINA.

The General Assembly of North Carolina do enact :

Body politic.

Name.

Powers.

SECTION 1. That W. H. Gerken, John Haar, Jr., F. W. Ortman, August Deumelandt, Charles Sculken, John Myer, W. H. M. Kock, H. C. Premper, C. F. Vockampen, J. G. Oldenbittel, and the chancellor commander and other officers and members of Germania Lodge, number four, of the order of Knights of Pythias, located in the city of Wilmington, in the county of New Hanover, be and they are hereby incorporated into a body politic and corporate, under the name and title of Germania Lodge, number four, order of Knights of Pythias, and by that name may have succession and a common seal, sue and be sued, plead and be impleaded before any court of record or before any justice of the peace in the state, contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of said lodge or its members, and may have all such rights and privileges as are incident to such corporations.

SEC. 2. That said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of the state or of the United States.

SEC. 3. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 11th day of February, A. D. 1879.

CHAPTER 10.

AN ACT TO INCORPORATE THE CHARLOTTE HOME AND HOSPITAL.

The General Assembly of North Carolina do enact :

SECTION 1. That Mrs. W. M. Shipp, Mrs. B. R. Smith, *Body politic.* Mrs. John Wilkes, Miss Laura Orr, Mrs. H. C. Jones, Mrs. C. I. Fox, Mrs. John Van Landingham, Mrs. F. Cox and Miss H. Moore, be and they are hereby constituted a corporation and body politic under the name of the Charlotte Home and Hospital, and as such to have a perpetual succession, and are empowered to employ a common seal and *Powers.* to sue and be sued by their corporate name, and to do such other corporate acts as may be necessary for the purpose of their incorporation.

SEC. 2. That the said corporation shall have power to *Real estate.* purchase or otherwise acquire and hold such real estate in the city of Charlotte as may be necessary for the erection and maintenance of a home and hospital for destitute persons.

SEC. 3. That the incorporators named in this act shall *Vacancies.* have power to fill all vacancies that may occur in their body and may add to the number of incorporators: *Provided,* that the number of incorporators shall be at least *Proviso.* equal to the number named in this act: *And provided also,* that such corporators shall be communicants of the Protestant Episcopal Church.

SEC. 4. The corporators named in this act shall hold *Meetings.* such stated meetings and at such times as they may determine, and may by resolution, constitution or by-laws, designate the officers of said corporation, prescribe their *Officers.* several duties, and also prescribe the times and modes of their election.

SEC. 5. That said corporators or their successors shall *By-laws.* have power to make such other by-laws and regulations

as may be necessary for the proper government of the corporation.

SEC. 6. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 11th day of February, A. D. 1879.

CHAPTER 11.

AN ACT TO AMEND SECTION ONE OF CHAPTER SIXTY-SEVEN OF LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, IT BEING AN ACT TO PROTECT FISH IN WAC-CAMAW LAKE AND ADJACENT WATERS.

The General Assembly of North Carolina do enact:

Chap. 67, sec. 1,
acts 1876-'77,
amended.

SECTION 1. That after the word "lake" at the end of section one of chapter sixty-seven of laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven the following shall be added: from the first day of March till the first day of September in each and every year.

SEC. 2. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 12th day of February, A. D. 1879.

CHAPTER 12.

AN ACT TO INCORPORATE THE TRUSTEES OF CENTER POINT INSTITUTE, IN IREDELL COUNTY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That James F. Dodson, James J. Clendenen, ^{Body politic.} Allen Gunn and Thomas B. Atkinson, their associates and successors, are hereby created a body politic and corporate under the name and style of the Trustees of Center ^{Name.} Point Institute, and in that name may sue and be sued, ^{Powers.} plead and be impleaded, contract and be contracted with, acquire, hold and convey in their corporate capacity property personal and real such as may be necessary and suitable for maintaining a school of high grade, shall have perpetual succession, may have and use a common seal, have power to elect their officers, consisting of a chairman, secretary and treasurer, and to establish such rules and regulations as may be necessary for the cause of education and maintaining said school not inconsistent with the constitution and laws of this state.

SEC. 2. That in case of refusal to act, or death or removal ^{Vacancy.} or for any other cause, there becomes a vacancy the remaining trustees shall have power to fill the vacancy: *Provided*, their number shall not be less than three nor ^{Proviso.} ~~more than nine.~~

SEC. 3. That the trustees shall have power to make all ^{By-laws.} necessary by-laws for the government of said institute.

SEC. 4. That it shall not be lawful for any person to ^{Unlawful to sell spirituous liquors.} sell, give away or dispose of in any way any spirituous liquors within two miles of Center Point Institute *afore-said*. All medical compounds, whether known by bit-
ters or any other name, the principal ingredient of which is intoxicating liquor, shall be construed to come under the provisions of this act: *Provided*, the provisions of ^{Proviso.}

this section shall not be construed to apply to prescriptions of practicing physicians to be given *bona fide* as a physician only.

Penalty for violating preceding section.

SEC. 5. Any person offending against the provisions of section four of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 6. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 14th day of February, A. D. 1879.

CHAPTER 13.

AN ACT TO AMEND CHAPTER EIGHTY-THREE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, IN REGARD TO WAKE FOREST COLLEGE.

The General Assembly of North Carolina do enact :

Chap. 83, Private
acts 1874-'75,
amended.

SECTION 1. That chapter eighty-three of the private laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five be and the same is hereby amended by striking out all of sections nine and ten and inserting in the lieu and stead thereof the following :

"SEC. 9. That if any person at or within three miles of the site of said college shall sell any alcoholic liquors, distilled or undistilled, or any brandy peaches or other alcoholic fruits, or any spirituous or intoxicating bitters or beverages by whatever name they may be called ; or shall without special permission in writing by the faculty thereof, give or convey the same to any student or students thereof, at or within three miles from the site thereof, he

shall for each offence forfeit and pay the sum of one hundred dollars, to be recovered in any court of record, one half to the use of the informant and the other half to the use of said college; and the offender shall moreover be guilty of a misdemeanor, and upon conviction thereof in the superior court shall be fined in the discretion of the court." Penalty.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 14th day of February, A. D. 1879.

CHAPTER 14.

AN ACT FOR THE RELIEF OF THE SURETIES OF JONAS CLINE, LATE SHERIFF OF CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the sureties of the official bond of Jonas Cline, late sheriff of Catawba county, be and are hereby authorized to collect the arrears of taxes due the said Jonas Cline for the years one thousand eight hundred and seventy, one thousand eight hundred and seventy-one, one thousand eight hundred and seventy-two, one thousand eight hundred and seventy-three, one thousand eight hundred and seventy-four, one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, and for that purpose a majority of said sureties may appoint one or more persons to make said collection under [the] same rules and regulations as are now prescribed for the regular collection of taxes, Sureties authorized to collect arrears of taxes.

Proviso.

and the powers and authority hereby granted shall cease on the first day of December, Anno Domini one thousand eight hundred and seventy-nine: *Provided*, that this act shall not apply to any person who will make oath that he has paid his taxes for the years aforesaid: *And provided further*, that this act shall not apply to executors, administrators or guardians, or in any case where the property taxed has changed hands.

SEC. 2. This act shall take effect from and after its ratification.

Read three times in the general assembly and ratified the 14th day of February, A. D. 1879.

CHAPTER 15.

AN ACT TO INCORPORATE THE LOVE AND CHARITY SOCIETY OF WILSON CREEK ACADEMY, IN THE COUNTY OF CALDWELL.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That Lewis Harshaw, Anderson Perkins, Samuel Berry, Jacob Dixon, Ervin Carroll and Albert Harshaw, and their successors, be and they are hereby created a body politic and corporate under the name and style of the Love and Charity Society of Wilson Creek Academy. That under this name they may sue and be sued, plead and be impleaded, buy and sell and hold such real estate as may be necessary for the purpose of their organization. They may elect their own officers and appoint their successors, and may make their own rules and regulations for the government of their society, and do all other acts and possess all other powers usual and incident to such corporations.

Powers.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 20th day of February, A. D. 1879.

CHAPTER 16.

AN ACT TO INCORPORATE THE WARRIOR CAMP GROUND,
IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact :

SECTION 1. That Larkin Patterson, Turner Nimrod and Body politic. Nelson Dixon, of Caldwell county, and their successors, be and they are hereby declared to be a body politic and corporate, to be known as the Warrior Camp Ground Association.

SEC. 2. That said corporation above mentioned shall Vacancies. have power to fill all vacancies occurring in their board, to elect their own officers, to buy and sell, sue and be Powers. sued, and have all other powers and privileges necessary and incidental to corporations of a like nature, and may make their own rules and regulations for the government of the association.

SEC. 3. It shall be unlawful for any person or persons Unlawful to sell spirituous liquors. to sell or give away any spirituous liquors within one mile of said Warrior Camp Ground during divine service, and any one offending against the provisions of this section shall be deemed guilty of a misdemeanor, and upon Misdemeanor. conviction thereof shall be fined not more than twenty- Penalty. five dollars for each offence, or imprisoned not to exceed one calendar month.

SEC. 4. The said association shall have power to make and enforce such police regulations as may be necessary to enforce section three of this act.

SEC. 5. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 20th day of February, A. D. 1879.

CHAPTER 17.

AN ACT FOR THE RELIEF OF THE SURETIES TO THE STATE AND COUNTY BONDS GIVEN BY T. F. LEE, LATE SHERIFF OF WAKE COUNTY, FOR THE COLLECTION OF TAXES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

The General Assembly of North Carolina do enact:

How relieved from penalties.

State taxes.

SECTION 1. That upon the payment by the sureties on the bond given by T. F. Lee, late sheriff of Wake county, to secure the collection of the state taxes for the year one thousand eight hundred and seventy-three, on or before the first day of July, Anno Domini one thousand eight hundred and seventy-nine, of all the taxes due thereon and the interest and costs of the judgment rendered on said bond, the said sureties shall be released from all the penalties for which judgment has been rendered against them.

County taxes.

SEC. 2. That upon the payment by the sureties on the bond given by T. F. Lee, late sheriff of Wake county, to secure the collection of the county taxes for the year one thousand eight hundred and seventy-three, on or before the first day of July, Anno Domini one thousand eight hundred and seventy-nine, of all the taxes due thereon and the interest and costs of the judgment rendered upon said bond, the said sureties shall be released from all penalties for which judgment has been rendered against them.

Assignment of judgment for state taxes.

SEC. 3. Upon being paid in full as aforesaid the public treasurer is hereby authorized to assign, without recourse, the judgment mentioned in section one of this act to some person as trustee for the benefit of the surety or sureties, who shall pay to said treasurer the principal, interest and costs of said judgment.

Assignment of judgment for county taxes.

SEC. 4. Upon being paid in full as aforesaid the county treasurer of Wake county is hereby authorized to assign

without recourse the judgment mentioned in section two of this act to some person as trustee for the benefit of the surety or sureties who shall pay the said treasurer the principal, interest and costs of said judgment.

SEC. 5. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 20th day of February, A. D. 1879.

CHAPTER 18.

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF
GREAT FALLS MANUFACTURING COMPANY, LOCATED AT
ROCKINGHAM IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact :

SECTION 1. That the present stockholders of the Great Body politic.
Falls Manufacturing Company, located at Rockingham,
in the county of Richmond, their successors and agents,
are hereby declared to be a body politic and corporate
under said name and style, and by said name may sue Name.
and be sued, plead and be impleaded, answer and be an- Powers, &c.
swered, in any of the courts of the state. They may have
and use a common seal, alterable and renewable at their
pleasure, may establish such by-laws, rules and regula-
tions as they may deem proper for the government of said
corporation, not inconsistent with law; may purchase
and hold such real estate as they may need for their bus-
iness, so the same shall not exceed three hundred acres
in quantity; may acquire and hold personal property
and effects to whatever extent may be necessary and con-
venient for the purpose of their organization, and gener-
ally shall have all the powers and authorities which other
corporate bodies of like character have, not inconsistent

with the constitution and laws of this state or of the United States.

Authorized to
manufacture cot-
ton and woolen
goods, &c.

SEC. 2. Said corporation shall have power at such mills or other establishments as they may need at or purchase in the county of Richmond, to manufacture cotton or woolen goods, or goods of any other taxable fabrics of any description, and all articles of whatever material which may be made by them in the pursuit of their business.

Capital stock.

SEC. 3. The capital stock of said company shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each.

Elections.

SEC. 4. That [in] all elections held by the stockholders each stockholder shall be entitled to give as many votes as he has shares of stock in said company; and all elections shall be by ballot, unless it shall be agreed otherwise by the unanimous vote of the meeting.

Annual meetings.

SEC. 5. The annual meetings of the stockholders shall be held on the first Wednesday after the third Monday in October of each year, and if, from any cause, such meeting shall not be held at that time, the president of the board of directors, by notice to each stockholder given twenty days preceding, shall call the stockholders together within thirty (30) [days] from the time of the regular meeting. If the president shall fail to make said call, then any member of the board shall have like authority; and in the event no meeting is held within sixty days from the regular day, then the stockholders owning one-third of the stock, by like notice, may call a meeting. Called meetings may also be held upon the demand of the board, or, in case of their refusal, by the holders of one-third of the stock. All meetings of the stockholders shall be invested with the same powers as the annual meetings.

Special meetings.

Directors.

SEC. 6. The stockholders at their annual meetings shall elect a board of directors to consist of not less than five nor more than seven stockholders, who shall manage the affairs of the company for one year and until their successors [are] appointed, and the board shall choose one of

their number to be president, unless the stockholders shall choose to elect the president themselves. President.

SEC. 7. The stockholders, in any meeting called in pursuance to the provisions of this act, may remove the president or any or all of the directors, in case the interest of the company shall demand such removal. Removal of president and directors.

SEC. 8. The board shall have authority to require bonds from such officers as they may choose, payable to the corporation, and sue upon the same for any breach thereof. Bonds.

SEC. 9. Compensation to the president and directors shall be made by the stockholders, and to the officers by the board of directors. Compensation of president and directors.

SEC. 10. The board of directors may declare dividends of profits made in the business at any time they may see proper to do so. Dividends.

SEC. 11. The board of directors may at any time open books of subscription to the capital stock of the company and admit new stockholders upon such terms as they may deem just. If any subscriber to stock shall fail to comply with the terms of his subscription for ninety days, the board may advertise the same for sale, or they may sue and recover the balance which may be due. Books of subscription.

SEC. 12. That said corporation may borrow such sums of money as may be necessary to carrying on their business, not to exceed one-third of the amount of their capital stock, at such a rate of legal interest as may be agreed upon by the parties; and if need be, they may, for securing such loans, mortgage the franchise and property of the corporation. But no mortgage thus made shall be to the prejudice of prior creditors, and shall enure to the benefit of creditors, whether named in the mortgage or not. Authority to borrow money, &c.

SEC. 13. At all meetings of the stockholders a majority of all the shares represented, either in person or by proxy, shall be necessary to a quorum for the transaction of business. No one but a stockholder shall be a proxy, and Proxies.

no stockholder shall represent so much stock as will enable him to control the affairs of the company, unless he is the owner of the stock or the general attorney in fact of the owner.

Subject to general law.

SEC. 14. This act shall constitute the charter of said corporation, but it shall nevertheless be subject to the general laws of the state; and all other acts relating to said corporation inconsistent with and repugnant to the provisions of this act are hereby repealed.

Limitation of act.

SEC. 15. This act shall take effect and shall be in force from and after its ratification, and shall remain in force until the first day of January, Anno Domini one thousand nine hundred and twenty-nine.

Ratified the 12th day of March, 1879.

CHAPTER 19.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOORESVILLE, IN IREDELL COUNTY.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That the inhabitants of the town of Mooresville shall be and continue to be as they heretofore have been a body politic and corporate, and in the name of the board of commissioners of Mooresville, shall have the right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase and to hold, and to convey real and personal property.

Powers

Officers.

SEC. 2. That any qualified elector in this state shall be eligible as mayor and commissioner, who is a resident within said corporation.

Electors.

SEC. 3. That all persons entitled to vote in the county of Iredell for members of the general assembly, and who shall have been a *bona fide* resident of the town of Moores-

ville ninety days next preceding the election, and duly registered as hereinafter provided, shall be entitled to vote for the mayor and commissioners, or at any election held therein for any municipal purpose.

SEC. 4. That the mayor, immediately after the election, Oath of mayor. and before entering upon the duties of his office shall before a justice of the peace take the following oath: "I, A. B., do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all the duties of the office of mayor of the town of Mooresville while I continue therein, and I will cause to be executed, as far as in my power, all the laws, ordinances and regulations made for the government of the town, and in the discharge of my duties I will do equal justice in all cases whatever."

SEC. 5. That each commissioner before entering on the duties of his office shall take before the mayor or some justice of the peace an oath that he will truly and impartially perform the duties of commissioner for the town, according to the best of his skill and ability and judgment. Oath of commissioners.

SEC. 6. That the board of commissioners shall have Vacancy. authority to fill any vacancy in the board that may occur during their term of office, and also to appoint all officers Officers. which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their terms of office. The board of commissioners shall be further authorized to appoint one of their number a mayor *pro tempore* to act as Mayor pro tem. mayor in case of absence of the mayor, or his inability to perform the duties of his office.

SEC. 7. That the board of town commissioners now in Election. office shall appoint at their regular meeting in April, registrars and inspectors of the election to be held on the first Monday in May, one thousand eight hundred and seventy-nine, and the registrars so appointed shall open their registration books on Thursday, Friday and Saturday preceding the day of election in some convenient

place in the town, between the hours of eight, a. m. and five p. m. of each day, when all persons legally entitled to register may do so; and the registrars may transfer from the old registration books only such names as they know to be legally entitled to be transferred. At all future registrations the board of commissioners shall appoint registrars and inspectors, who shall be governed as above described, and in all other matters pertaining thereto shall be governed by the laws and regulations for the election of members of the legislature.

Salary of mayor. SEC. 8. That the board of commissioners of said town may allow the mayor of the town an annual salary not exceeding the sum of two hundred dollars to be paid out of the town treasury.

Streets worked by persons violating ordinances. SEC. 9. That the board of commissioners shall have authority to put to and keep at work on the streets of the town any person or persons who may fail to pay any fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town.

Taxation. SEC. 10. That the board of commissioners of the town of Mooresville shall have power not oftener than annually to impose, levy and collect a tax upon all real and personal estates within the corporate limits of said town, and also upon all money on hand, solvent credits, and upon all polls and other subjects of taxation taxed by the general assembly for public purposes, and the said board shall have power to levy a commutation tax upon all persons residing within the corporate limits of Mooresville that may be liable to work on the public roads in lieu of requiring of them personal services on the roads and streets.

Limitation of taxing power. SEC. 11. That the annual tax on property shall not exceed fifty cents on the one hundred dollars' valuation thereof, nor shall the poll tax and commutation tax each exceed one dollar and a half, and the board of commissioners shall have no power to create a public debt upon the corporation.

SEC. 12. That said tax shall be due the first Monday in August of each and every year, but the tax collector shall have no power to enforce collection of the same by sale before the first day of November next ensuing. Taxes, when due and collectable.

SEC. 13. That whenever the tax shall be due and unpaid on the first day of November the tax collector shall proceed to collect the same in the manner prescribed by law for the collection of state taxes by the sheriff of the state. Taxes, how collected.

SEC. 14. That the board of commissioners shall have power to change the time of levying and collecting the town taxes. Power to change time of collection of taxes.

SEC. 15. That in addition to *ad valorem* on property the board of commissioners shall have power to levy and collect specific taxes on privileges and license and such other subjects of specific taxation as are by law allowed to municipal corporations. Specific taxes.

SEC. 16. That the board of commissioners of the town of Mooresville may receive and hold by gift, devise, donation or purchase any land necessary for a public square, park, mayor's office, town hall or lockup, or for one or more schools, or any other purpose within the corporation of the town for the use of the town, and in case of a purchase may levy a tax to pay for and improve the same. Power to hold and improve real estate.

SEC. 7. That the board of commissioners shall have the power to require the owner or owners of lots on such streets as they may desire to keep them free from all lumber or obstructions, to construct and keep in proper repair the sidewalks in front and all sidewalks adjoining said lots in such manner as may be prescribed by said commissioners, and in case of failure of said lot owners so to do after thirty days' notice thereof, said commissioners shall have authority to do it at the expense of the said lot owners, which shall be a lien and charge upon said lot: *Provided*, that said commissioners shall require the same to be done with earth and gravel or sand, but in case the Streets and sidewalks. Proviso.

commissioners shall require the sidewalks to be paved with brick, stone or costly material, then the town shall defray one half the expense of the same and the other half to be paid by said lot owners, which shall also be a lien and charge upon said lots, and the foregoing clause may be enforced by the commissioners in such manner as they may direct in their ordinances.

SEC. 18. That nothing in this act shall be so construed as to impair or destroy any powers, rights or privileges heretofore vested in the town of Mooresville.

Powers.

SEC. 19. That the town of Mooresville shall be vested with all the powers, rights, privileges and immunities enumerated in chapter one hundred and eleven, Battle's Revisal, entitled towns.

SEC. 20. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

SEC. 21. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 20th day of February, A. D. 1879.

CHAPTER 20.

AN ACT TO INCORPORATE BREVARD STATION, GASTON COUNTY,
NORTH CAROLINA.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That the town of Brevard Station, on the Carolina Central Railway, Gaston county, North Carolina, be incorporated by the name of "Brevard Station," and that its boundaries shall be as follows, to-wit: beginning at a post oak on Mrs. Jane Abernethy's land, east of her new house, runs thence south fifteen degrees east, crossing

Boundaries.

a spring branch one hundred and twelve poles to John M. Parker's spring on his land, thence south sixty-three degrees west two hundred and forty poles, crossing the Carolina Central Railroad to a stone and pointers west of J. B. Smith's house on said Smith's land, then north fifteen degrees west, crossing J. B. Smith's spring branch, one hundred and eighty poles to a pine and black gum on R. I. Beatty's land, then north seventy-eight degrees east, crossing the Carolina Central Railroad two hundred and forty poles to the beginning.

SEC. 2. That the officers of said town shall consist Officers. of a mayor and three commissioners, who shall be styled the "board of commissioners of Brevard Station," and as such shall be authorized to sue and be sued, hold pro- Powers. perty real and personal, and be known in all legal proceedings and contracts, and in the exercise generally of corporate powers.

SEC. 3. That the town of Brevard Station shall have and Powers. may exercise all the powers and authorities conferred by chapter one hundred and eleven of the Revised Code as brought forward in Battle's Revisal, chapter one hundred and eleven, page eight hundred and twenty-three, and its corporate powers shall be subject to the same restrictions, unless otherwise provided in the succeeding sections of this charter.

SEC. 4. It shall be the duty of the sheriff of Gaston Election. county, within twenty (20) days after the ratification of this act, after giving ten days' notice in writing, posted at three public places in the corporate limits of the town, to open the polls and hold an election for mayor and three commissioners of the town, and in case of a tie to give the casting vote between those having an equal number of votes for the respective offices; that only thirty days' residence in the town, in addition to other qualifications, shall be necessary to entitle a citizen to vote.

SEC. 5. That it shall not be lawful for the county com- Power to license missioners of Gaston county to grant a license to any one sale of spirituous liquors.

to sell spirituous or intoxicating liquors or wines or beers within the corporate limits of the town of Brevard Station without the consent of the board of commissioners of said town.

Power to forbid
sale of spirituous
liquors.

SEC. 6. That the board of commissioners of Brevard Station shall have the full power and authority to forbid or regulate the sales of spirituous and intoxicating liquors, wines or beer or supposed medicine of which they compose the chief ingredient, within the corporate limits of said town, and may regulate the amount of the fee for license to sell the same.

Misdemeanor.

SEC. 7. That the violation of any ordinance of this town shall be a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars or imprisonment thirty days.

Jurisdiction of
mayor.

SEC. 8. That the mayor of the town shall have jurisdiction to hear and determine said misdemeanors without requiring the preliminary complaint on oath in writing of the party injured, but may exercise said jurisdiction on the complaint of any other person of a breach of the peace, or where the offence comes under his own observation. The mayor shall also have power to commit any one convicted before him to the common jail until the fines and costs are paid, and such person can only be released as is provided in like cases in other courts.

Elections.

SEC. 9. That all future elections for mayor and commissioners shall be held by such persons, not exceeding three, as shall be appointed by the board of commissioners of the town instead of the commissioners of the county, and under the same regulations provided in chapter one hundred and eleven, Battle's Revisal.

Power to enact
ordinances.

SEC. 10. That the board of commissioners of the town may pass all ordinances necessary for the good government, quiet and peace of the town, not inconsistent with the constitution and laws of the state, and may especially enact any ordinance for the protection of the churches or other places of religious worship in the corporate lim-

its of the town, and for protecting the congregations there assembled for worship whether directly engaged in religious worship or not, and to prevent any disturbance around said churches while persons are there assembled to engage in worship.

SEC. 11. That the constable of the town may execute Constable. all civil and criminal process in the corporate limits of the town which may be directed to him by any judicial officer of the state, and be entitled to the same fees as other officers in like service.

SEC. 12. It shall be the duty of the secretary of state to send a certified copy of this charter to the sheriff of Gaston county in five days after its ratification, to the end that he may hold the election therein provided for.

SEC. 13. That this act shall take effect and be in force from and after its ratification.

Ratified the 22d day of February, A. D. 1879.

CHAPTER 21.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF ELIZABETH CITY.

The General Assembly of North Carolina do enact :

SECTION 1. That the corporate limits of the town of Elizabeth City, in the county of Pasquotank, be and the same are hereby extended so as to embrace all that portion of territory situated within the following boundaries, to-wit: beginning on the Pasquotank river at the mouth of Knob's creek, and running north forty degrees west to the west side of Norfolk road, thence southwardly along west side of said Norfolk road to Frank Vaughan's north-east corner, thence west until it intersects a line commencing on Main street at the

Extension of corporate limits.

Boundaries.

north end of Doughty's lane or street, north nine degrees east far enough to meet said west line, thence south nine degrees west to Doughty's lane or street, thence along the same course until it meets a line commencing at the mouth of Forbe's creek and running north eighty-four degrees west to the intersection of said last named line, thence from the mouth of Forbe's creek up the Pasquotank river to the place of beginning.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 22d day of February, A. D. 1879.

CHAPTER 22.

AN ACT TO INCORPORATE THE TOWN OF SPARTA, IN ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That the town of Sparta be and the same is hereby incorporated by the name and style of Sparta, and shall be subject to all the provisions contained in chapter one hundred and eleven of Battle's Revisal not inconsistent with this act.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: One mile from the centre of the new court house, east, west, north and south, and shall run with the four cardinal points of the compass, making said court house the centre of a boundary, and making said town two miles square.

Officers.

SEC. 3. That until officers shall be elected as hereinafter provided, the government of said town shall be vested in the following named mayor and commissioners, to-wit: Mayor, W. E. Hardin; commissioners, R. C. Gentry, W. K. Holbrooke, H. F. Jones; marshal, W. S. Norman.

SEC. 4. An election shall be held on the first Monday Election. in May, one thousand eight hundred and seventy-nine and each successive year thereafter for a mayor, three commissioners and a marshal, and persons living within the corporate limits of said town and qualified to vote for members of the general assembly shall be deemed electors for said town, said election to be held by the authorities in the manner prescribed in chapter one hundred and eleven, Battle's Revisal, and said officers shall be chosen from the qualified voters of said town.

SEC. 5. For the good government of said town the said Powers. officers and their successors shall have all the powers, rights and privileges, and exercise the jurisdiction and be governed by the rules and subject to the same pains and penalties for neglect of duty conferred or inflicted upon mayor, commissioners and marshal of incorporated towns by chapter one hundred and eleven of Battle's Revisal.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1879.

CHAPTER 23.

AN ACT TO INCORPORATE THE TOWN OF BURGAW, PENDER COUNTY.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Stanford, in Pender Body politic. county, be and the same is hereby incorporated by the name and style of "the town of Burgaw," and shall be subject to all the provisions contained in chapter one hun-

dred and eleven, (111) Battle's Revisal, not inconsistent with the constitution and laws of this state and the United States.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: beginning at the centre of court-house square and running one half mile north, south, east and west, comprising one mile square.

Officers.

SEC. 3. The officers of said incorporation shall consist of a mayor, three commissioners and a marshal, and the commissioners shall have power to appoint a secretary and treasurer.

By-laws.

SEC. 4. That the commissioners shall have power to pass all by-laws for the government of said town not inconsistent with the laws of the state or of the United States, and shall have power to tax all taxables within the corporation not to exceed one-fourth of the state taxes.

Taxation.

Officers.

SEC. 5. That until their successors are elected under the laws of the state, A. H. Williams shall act as mayor, and J. H. Brown, J. H. Tinker [and] A. H. Paddison shall act as commissioners, and R. M. Croom shall act as marshal of said town.

Oath of office.

SEC. 6. That it shall be the duty of the persons elected under the laws of the state to go before some justice of the peace for said county and take the oath prescribed by law within five days after their election.

Fines.

SEC. 7. That all fines collected for the violation of any town ordinance shall go into the town treasury for the benefit of the town.

SEC. 8. This act shall be in force from and after its ratification.

Ratified 25th day of February, A. D. 1879.

CHAPTER 24.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIVE, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and five, private laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, be amended as follows: Strike out section one of said chapter and substitute the following: That it shall be unlawful for any person or persons to haul any seine or place any nets or traps that will prevent the passage of fish in the waters of Pamlico and Tar rivers from the mouth of Pamlico river to Minor's mill, in Granville county, nor in the waters of Neuse river from its mouth to the Orange county line, from and after 6 o'clock Friday night of each week until 6 o'clock Monday morning following.

Chap. 105, private acts 1876-'77, amended.

When and where unlawful to haul seine.

SEC. 2. Amend section two of said chapter by striking out the words "not less than ten nor more than fifty," and insert, "not more than two hundred and fifty," and by striking out the words "thirty days" and insert "six months in the discretion of the court."

Sec. 2 amended.

SEC. 3. This act shall be in force from and after its ratification.

Read three times in the general assembly and ratified the 25th day of February, A. D. 1879.

CHAPTER 25.

AN ACT TO AMEND CHAPTER THIRTY-EIGHT, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, RELATING TO THE WEIGHING OF COTTON IN THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact :

Chap. 38, private
acts 1873-'74,
amended.

Weighers of cotton
in Raleigh, how
appointed.

Remedy of person
dissatisfied with
weight of cotton.

When commission-
ers authorized to
depose weigher
from office.

SECTION 1. That chapter thirty-eight, private laws of one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, be amended by striking out section three and inserting the following in lieu thereof: The board of trade of the city of Raleigh and the county commissioners of Wake county shall appoint, twenty days preceding the first day of April, one thousand eight hundred and seventy-nine, and annually thereafter, not more than four persons as weighers for the city of Raleigh, one-half of which persons shall be chosen by each; the commissioners shall appoint only farmers who grow cotton, and may jointly at any time when the necessity may arise, may appoint for an unexpired time weighers to fill any vacancy; and should either the buyer or seller be dissatisfied with the weight of any cotton, such dissatisfied party may select and call in another weigher, and should the two weighers disagree it shall be lawful for the buyer and seller to call in jointly some disinterested person, who may weigh said cotton, and his decision shall be final. And any person other than those provided for in this act who shall weigh any cotton, or give certificate of weight, shall be deemed guilty of a misdemeanor.

SUB-SEC. 2. And should it appear that there was a discrepancy of five pounds or more between the weights as reported by either or both of the weighers and the weights as ascertained by the referee selected and called in by

sub-division first of this act, then it shall be lawful for the board of county commissioners of Wake county, upon proper proof of such fact, and upon complaint being made by party who would have been injured by report of weigher, to depose from his office the weigher or weighers so found in default, and proceed at once to the election of his or their successor, the weigher or weighers so deposed not to be eligible to such office for the space of twelve months thereafter.

SUB-DIV. 3. Any person refusing to comply with the requirements of this act shall be deemed guilty of a misdemeanor.

SEC. 2. That section four of said chapter be amended by striking out the words, "chief officer of said association of farmers," and inserting in lieu thereof the words "chairman of the board of commissioners of Wake county." Sec. 4 amended.

SEC. 3. That section six of said chapter thirty-eight be amended by striking out of said section all between the word "excepted" in the eleventh line of said section, and the word "the" in the fifteenth line. Sec. 6 amended.

SEC. 4. All laws and clauses of laws coming in conflict with this act are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 26th day of February, A. D. 1879.

CHAPTER 26.

AN ACT TO INCORPORATE THE CHAPEL HILL IRON MOUNTAIN COMPANY.

The General Assembly of North Carolina do enact :

SECTION 1. That Robert F. Hoke, Robert R. Bridgers, William S. Primrose, William F. Askew and such other Body politic.

persons as shall be associated with them, their successors and assignees, be and they are hereby created a body politic and corporate, by the name and title of the Chapel Hill Iron Mountain Company, by which name said corporation and their successors may sue and be sued, plead and be impleaded in any court of this state, and shall have power to make such by-laws and regulations not inconsistent with the laws of this state as may be deemed necessary for the government of said company, and which shall be binding on them and requisite to carry on the business; it shall have perpetual succession and enjoy all the rights and privileges, powers, liberties, immunities and franchises usually pertaining to a corporation.

Capital stock. SEC. 2. *Be it further enacted*, that the capital stock of said company may be divided into such number of shares and of such amount for each share as the stockholders in the general meeting may determine: *Provided*, that the capital stock of said company shall not exceed one million dollars, and that said shares be personal property and transferable on the books of the company, and shall be held as full paid shares and not liable to assessment, and may be paid for in money, mineral lands, cash for working capital, machinery, or any improvement to the property necessary for the operations of the company, including modes of transportation, and may buy and sell produce, supplies, merchandise of any description in connection with its business, as the by-laws may determine.

Meeting of stockholders. SEC. 3. *Be it further enacted*, That a general meeting of the stockholders may be held at any time determined by the by-laws, and that to constitute a meeting there must be present in person or by proxy a number holding a majority of the stock, each share of which shall be entitled to one vote, and all acts shall require the sanction of a majority of the votes present.

Powers. SEC. 4. *Be it further enacted*, that said company shall

have power to purchase, lease or otherwise, mineral lands, and to work the same for the extraction of iron ore, coal or other minerals or products, to manufacture iron and all products of iron or other minerals, and transport the same to market.

SEC. 5. That the affairs of said company shall be managed by a board of not less than three nor more than seven directors, who shall all be stockholders, and one of whom shall always be a resident of this state. They shall be elected by ballot within one year from the passage of this act and annually thereafter at such times and places as the by-laws may prescribe and hold their office for one year and until their successors are elected. If from any cause said election shall not take place at the time fixed, it shall be lawful to elect the same at any other time after twenty days' notice being given. Each share of stock in person or by proxy, and a majority of the directors, shall constitute a quorum for the transaction of business. Said directors shall elect one of their number to be president of the board; they shall fill all vacancies occurring in their own body until the next annual election. At any general meeting of the stockholders they may appoint such other officers and agents as they may deem necessary to manage the affairs of the company, remove the same at pleasure and establish offices at such places as the wants of their business may require, and perform all such other acts which they may find the successful prosecution of their business demands. And this charter shall be organized by any one of the resident corporators giving twenty days' notice to the other corporators to meet in Raleigh in person or by proxy, within one year from the passage of this act; and a majority of the corporators shall constitute a quorum for the transaction of business. Officers.

SEC. 6. That said company shall have the right, power and authority to lay out, build and construct roads, whether railtrains, plank or turnpike, for the successful transportation of iron ore, coal, coke, iron, mineral and all pro- Power to build roads, dams, &c.

ducts found upon their land, and also to construct such dams as shall be needful for the supply of water to their mills, manufactories and furnaces, the drainage of their mines, or for any other purpose found necessary; to erect bridges over streams of water whenever necessary, and to connect such with the railroads of any company now incorporated, or which may be hereafter incorporated by the laws of this state, at any point the said company may select for such connection, and such roads shall be open to the use of the public upon the payment of such reasonable tolls, and subject to such rules and regulations as said company may establish.

Power to condemn land.

How value ascertained.

Proviso.

SEC. 7. That where any land or right of way may be required by said company for constructing said roads and drains, and for want of agreement as to the value thereof, or for any other cause the same cannot be purchased of the owners, the same may be taken and the value thereof ascertained as follows, viz: on application by the company to any justice of the peace for the county where the said land or right of way may be situated, it shall be his duty to issue his warrant to the sheriff of said county to summon a jury of five freeholders to meet on the day named in said warrant, not less than ten nor more than twenty days thereafter, and the sheriff on receipt of said warrant shall summon the jury and notify the owners of the land of the time and place at which he has summoned the jury to meet, and when met he shall administer an oath or affirmation to three of them that they will impartially value the land and right of way in question. The proceedings of said jurors, accompanied by a description of the land, shall be returned under their hands and seals by the sheriff to the clerk of the superior court, there to remain as a matter of record, and on the payment of said valuation, the lands and right of way so valued shall vest in said company: *Provided*, that the location of [the] same shall not interfere with any graveyard, house-lot or garden, without the consent of the own-

ers, and that no more land than thirty feet width on either side from the centre of said roads or drains shall be condemned for the purposes aforesaid : *And provided further*, that if either party shall be dissatisfied with the valuation aforesaid, they may appeal to the superior court of the county in which the land lies and whose decision shall be final ; but such appeal shall not delay or interrupt the use and possession of said land and right of way by said company.

SEC. 8. That said company shall have power to adopt Common seal. and use a common seal with such device and inscription as they shall deem proper, and to change, alter and amend the same at pleasure, and certificates of stock and other official acts shall be authenticated by affixing the same.

SEC. 9. *Be it further enacted*, That this charter shall take effect and be in force from and after its ratification.

Ratified 27th day of February, A. D. 1879.

CHAPTER 27.

AN ACT TO ORGANIZE AND INCORPORATE THE CHRISTIAN ASSOCIATION.

The General Assembly of North Carolina do enact :

SECTION 1. That William Jones, Wesley Jones, Abram Body politic. Miller, George Walker, William Fisher, John Dobbins, Giles Boyden, Pompey Fisher, Joseph Somers, Wesley Kerr, Burton McNeeley and Levi Henderson, of the town of Salisbury, and their successors in office, are hereby created a body politic and corporate by the name and style of "The Christian Association," and by that name shall Name. have perpetual succession and a common seal, may sue and be sued, implead and be impleaded, answer and

defend in all courts, make contracts and be contracted with, acquire, hold and dispose of real and personal property not exceeding three thousand dollars in value in any one county at any one time, and shall have all such other rights and privileges as are incident to benevolent and charitable corporations.

Jurisdiction. SEC. 2. Said association shall have jurisdiction throughout the state, with authority to grant charters to subordinate lodges or chapters.

Powers. SEC. 3. Said association shall have power to ordain and establish such by-laws and regulations as it shall deem proper for its government not inconsistent with the laws of this state or the United States.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1879.

CHAPTER 28.

AN ACT TO SECURE THE BETTER DRAINAGE OF THE LOW LANDS OF SILVER CREEK IN THE COUNTY OF BURKE.

The General Assembly of North Carolina do enact :

Commissioners appointed. SECTION 1. That H. C. Bennett, L. A. Taylor and L. M. Scott be appointed commissioners whose duty it shall be as soon as practicable to lay off Silver creek, in the county of Burke, from the late R. James McElrath's mills to the mouth of White's fork, then up White's fork to the line between Dr. W. W. Gilbert's and Mrs. Mary Neill's, into sections of convenient lengths, and to appoint one overseer for each section, who shall hold his office for a term of two years, and who shall be a land owner in the section for which he is appointed an overseer.

Overseer.

Vacancies. SEC. 2. That a majority of said commissioners shall

have power to elect one of their own number chairman, and may fill vacancies in their own number or that of overseer, and in case they shall fail or neglect to fill vacancies occasioned by death or otherwise, the board of county commissioners of said county shall, on application being made, appoint commissioners and overseers for the purpose herein mentioned.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land belonging to each land owner in Burke county on Silver creek between the points mentioned in section first of this act, and lying within one-fourth mile of the main channel of said creek, whether said bottom land be immediately on said creek or on the tributaries running into it, and shall furnish each overseer with a copy of the estimate of his section; and said land owners when required by the overseer of the section in which their bottom lands lie, and upon a notice of five days by the said overseer, shall each furnish one efficient hand with appropriate tools, such as he shall be notified by the overseer to furnish, for every ten acres of bottom land owned by him and so estimated, and in that proportion for any number of acres less than ten, and on failing so to do shall forfeit and pay two dollars per day for failure on each hand, which may be recovered by said overseer by warrant, as in case of failure to work on public roads.

Manner of procedure to secure drainage.

SEC. 4. It shall be the duty of the commissioners in laying off the creek into sections as provided for in section first of this act to distribute the labor among the land owners in proportion to the number of acres of bottom land owned by them within the estimate provided for in the last section as equally as may be, and to allot to the overseer of each section the hands required of the owners of the bottom lands embraced in this section.

Distribution of labor.

SEC. 5. It shall be the duty of each overseer with the hands so provided to work in each and every year within the bounds of their respective sections not less than four

Work, how performed.

nor more than twenty-four days, at the discretion of the commissioners, on the channel of said creek, with power to straighten the same, when necessary to remove obstructions and to improve the banks thereof when necessary, under such directions as said commissioners may prescribe.

Misdemeanor
to obstruct chan-
nel.

Providor.

Fines and penal-
ties, how disposed
of.

Misdemeanor.

reviso.

SEC. 6. That any person or persons who wilfully and knowingly fell timber or otherwise obstruct the waters in the channel of said creek between said points of said boundary in said county and shall permit the same to remain therein for the space of twenty days, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be fined not less than five nor more than ten dollars: *Provided*, that if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offence was committed before a presentment is made of the same, he or they shall not be liable to indictment for said offence.

SEC. 7. That all moneys arising from failure to work on said creek and all penalties collected under the provisions of this act shall be paid over to the overseer of the section in which it may arise, and by him shall be expended in improving the channel of said creek, and any overseer failing or neglecting to perform the duties required by this act shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than ten nor more than twenty dollars: *Provided*, that no person shall be required without his consent to serve more than one term of two years at one time.

SEC. 8. That nothing contained in this act shall prevent the building of public bridges on public roads across said stream, or private bridges or water-gates by the land owners for their own convenience.

SEC. 9. That nothing herein contained shall be so construed as to exempt persons therein mentioned from working on the public roads.

SEC. 10. That no part of this act shall be so construed as to interfere with any mill-dam within the points named in said act.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1879.

CHAPTER 29.

AN ACT RELATING TO THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact :

SECTION 1. That the person[s] who may be in office as mayor and aldermen of the city of Wilmington on the twenty-sixth day of March, Anno Domini one thousand eight hundred and seventy-nine, shall continue in office until the regular election to be held in pursuance of an act of the general assembly entitled "an act to organize a government for the city of Wilmington," ratified the sixth day of March, Anno Domini one thousand eight hundred and seventy-seven, on the fourth Thursday of March, Anno Domini one thousand eight hundred and eighty-one, and until their successors then to be elected shall be duly qualified. Officers continued until 1881.

SEC. 2. All laws coming in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1879.

CHAPTER 30.

AN ACT TO INCORPORATE THE NORTH CAROLINA CHEMICAL
WORKS.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That Robert F. Hoke, B. P. Williams[on], W. G. Upchurch, and such other persons, companies or corporations as now are or hereafter may be associated with them for the purposes in this act declared, are hereby constituted and declared to be a body politic and incorporated by the name and style of North Carolina Chemical Works, with power to purchase, hold, sell, lease, mortgage or otherwise convey and dispose of any real or personal estate, to borrow money and to make and issue bonds and promissory notes, or other evidence of its indebtedness, and secure the payment of the same by mortgage or otherwise as may be deemed best, to make advances of money or other things on such terms or rates of interest at a rate not exceeding eight *per centum* per annum, and on such securities, real or personal, as may be agreed on, and with all the rights, powers and privileges incident or belonging to corporations, as set forth in the first, second and third sections of the twenty-sixth chapter of the Revised Code of North Carolina entitled "Corporations."

Name.

Powers.

Capital stock.

SEC. 2. The capital stock shall be not less than fifty thousand dollars, and may be increased to a further sum not exceeding one million, as the stockholders of said company may from time to time determine; said capital stock shall be divided into shares of such an amount as shall be fixed by the stockholders, and may be paid in money, real estate, machinery [or] material, as required by the company, or cash for working capital, and at all meetings of the stockholders of said company each share

of stock shall entitle the holder of the same to one vote either in person or by proxy as the by-laws may direct.

SEC. 3. That said company is hereby authorized and empowered to manufacture fertilizers and chemicals of any character and description, from materials or substances of any kind whatsoever, or to prepare materials for the manufacture of such fertilizers or chemicals, to mine and work necessary ores, or catch fish, extract the oil therefrom and prepare the same for fertilizing purposes, or to prepare kamite, lime, marl, plaster and other ingredients used in agriculture, to manufacture bags, barrels and such other things as may be deemed necessary, or in any way incident to the manufacture or sale of fertilizers, lime, plaster, marl or other ingredients for agriculture or chemicals, to engage in and conduct any kind of agricultural, horticultural or manufacturing business or enterprise, or to own, employ and use vessels, steamboats or any other boats, and generally to conduct and carry on in all its branches the business of manufacturing, transporting, buying and selling fertilizers, chemicals or other ingredients used in agriculture.

Authorized to manufacture fertilizers, &c.

SEC. 4. The stockholders of said company may make all such rules, by-laws and regulations as may be considered necessary for the well ordering and conducting the business of said company. They may prescribe the number of directors and number and character of the officers of said company, the manner of their election, and the amount of their compensation, the terms of their respective offices, the manner in which any director or officer may be removed, and the mode of supplying any vacancy arising from any cause whatever, either among the directors or officers of said company.

By-laws, &c.

Officers.

Vacancy.

SEC. 5. Books of subscription to the capital stock of this corporation may be opened by the persons named in the first section and such as they may associate with them at such time and place and under such rules and regulations as they may deem best, and shall be kept

Books of subscription.

Meeting of stock-
holders.

open for thirty days for subscription. If at the end of thirty days fifty thousand dollars or more shall have been subscribed and twenty per cent. of such subscription paid in, the persons named and their associates shall call a meeting of the subscribers to the capital stock, who shall organize and adopt by-laws and elect such officers as they may consider necessary for the purposes of this corporation. If the sum of fifty thousand dollars and payment of twenty per cent. made thereon shall not be subscribed, the said persons named in the first section shall as often as they think fit open books for subscription to the capital stock until said sum shall be subscribed. After the stockholders shall organize said company they may direct books of subscription to be opened under such rules as they prescribe for the increase of capital stock.

Limitation of cor-
porate powers.

SEC. 6. The corporate rights, powers and privileges hereby granted shall continue for the term of ninety-nine years.

Ratified the 28th day of February, A. D. 1879.

CHAPTER 31.

AN ACT TO INCORPORATE THE TRUSTEES OF RIVERSIDE CAMP GROUND, IN THE COUNTY OF ASHE.

The General Assembly of North Carolina do enact:

Body politic.

Name.

Powers.

SECTION 1. That Johnson Perkins, David Worth, Foster Ashby, William Right, Q. F. Neal, Wiley P. Thomas, James Wagg and J. W. Todd and their successors in office, are incorporated under the name and style of "the Trustees of Riverside Camp Ground," and as such may sue and be sued, plead and be impleaded, purchase, receive and convey property, and shall have a perpetual existence as a corporate body. The said trustees may make all such

by-laws and regulations as may be necessary for their By-laws, &c. government and for the keeping and enforcing good order at said camp ground, and are hereby vested with all the powers incident to their duties as trustees of a religious society.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1879.

CHAPTER 32.

AN ACT CONCERNING BROOKS' CHAPEL CAMP GROUND, IN THE COUNTY OF CLEAVELAND, AND TO INCORPORATE A BOARD OF TRUSTEES THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That Nathan Brooks, George Deck, John Body politic. Brooks, Oliver Peeler and Daniel Elliott, and their successors, be and they are hereby declared to be a body politic and corporate in deed and in law, by the name and style of "The Trustees of Brooks' Chapel [Camp] Ground," Name. in the county of Cleaveland, state of North Carolina, and said company shall have power to purchase and hold real Powers. and personal estate and to acquire the same by gift or otherwise, shall have perpetual succession, and power to sue and be sued, plead and be impleaded in any court of the state having competent jurisdiction, have and use a common seal, elect their officers, consisting of a chair- Officers. man, secretary and treasurer, and to establish such rules and regulations for the enforcement of good order and decorum and for the removal of any nuisance from said camp ground or abatement thereof while occupied for worship, and at all and other times not inconsistent with the constitution and laws of this state.

Vacancies.

SEC. 2. That in case of death or refusal to act or removal or from any other cause there becomes a vacancy the remaining trustees shall have power to fill the vacancy: *Provided*, their number shall not be less than five nor more than ten trustees.

Unlawful to sell spirituous liquors.

SEC. 3. That it shall not be lawful for any person to sell, give away or otherwise dispose of spirituous liquors at or within one mile of said camp ground during occupancy for worship, and any person violating said prohibition shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each and every offence be fined not less than ten nor more than fifty dollars or imprisoned not less than ten nor more than thirty days at the discretion of the court.

Misdemeanor.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1879.

CHAPTER 33.

AN ACT TO AMEND CHAPTER FORTY-FIVE OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR, AMENDING THE CHARTER OF THE TOWN OF TEACHEYS, IN THE COUNTY OF DUPLIN.

The General Assembly of North Carolina do enact:

Chap. 45, sec. 3.
private acts 1873-
'74, amended.

Officers,

SECTION 1. That section three of said act be amended to read as follows: "The officers of said town shall consist of a mayor, three commissioners and a constable, to be elected under the existing laws of this state, and the commissioners shall have power to appoint a secretary and treasurer."

SEC. 2. That section seven be amended as follows: by Sec. 7 amended. striking out all in said section after the word "election" in fourth line.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1879.

CHAPTER 34.

AN ACT TO ALLOW THE COMMISSIONERS OF THE TOWN OF GRAHAM TO LEVY A LICENSE TAX ON SPIRITUOUS LIQUORS.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to sell any spirituous, vinous or malt liquors within the corporate limits of the town of Graham, in the county of Alamance, without first obtaining a license so to do from the board of commissioners of said town, for which shall be paid a license tax for the use and benefit of said town, to be fixed by the said board of commissioners, in no case to be less than one hundred dollars for one year. Unlawful to sell liquor in Graham without license. License tax.

SEC. 2. That the board of commissioners of the said town of Graham, in Alamance county, shall not grant a license to any person to sell, within the corporate limits of said town, any spirituous, vinous or malt liquors for a less period of time than one year. No license to be granted for less than one year.

SEC. 3. That any person violating the provisions of the first or second sections of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars and imprisoned in the discretion of the court, not to exceed one year. Misdemeanor. Penalty.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 1st day of March, 1879.

CHAPTER 35.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVEN OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, RELATING TO THE TOWN OF LA GRANGE, IN LENOIR COUNTY.

The General Assembly of North Carolina do enact :

Chap. 107, private
acts 1874-'76,
amended.

SECTION 1. That chapter one hundred and seven of the laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five be amended by adding the following: That no person or persons shall hereafter be granted by the commissioners of Lenoir county any license to sell at retail a less quantity than one-half gallon of any spirituous, fermented or malt liquors or wine in the corporate limits of the town of La Grange, Lenoir county, unless the person or persons applying therefor in addition to the other requirements of the law as it now exists shall exhibit the consent in writing of the mayor and commissioners of said town.

No retail license to
be granted in La
Grange, unless by
written consent
of mayor and com-
missioners.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1879.

CHAPTER 36.

AN ACT TO INCORPORATE THE AMERICAN GOLD COMPANY
OF NORTH CAROLINA.

The General Assembly of North Carolina do enact : Body politic.

SECTION 1. That Benjamin R. Mears, Edward W. Wilson, F. W. Kennedy, J. H. Mears, S. C. Horner and their associates, successors and assigns, or any three of them, be and are hereby created and made a body politic and corporate, by the name, style and title of "the American Gold Name. Company," and by such name and title shall have continual succession for the purpose of working, mining, Powers. milling, purchasing, manufacturing, smelting, assaying, reducing or otherwise treating ores, earths, minerals and metals, and for building, erecting and owning machinery and fixtures for any of said purposes, or for sale, barter or exchange, and for holding, owning, leasing, mortgaging or selling such real and personal estate as may be necessary in connection with the other privileges herein granted, and to erect houses, mills and other buildings upon and otherwise improve any lands leased or held by them, and for making, buying and selling such matters and things as appertain to their business, and shall be capable of suing and being sued, impleading and being impleaded, and of having and using a common or corporate seal, and the same to alter and change at pleasure, and of granting and receiving in its corporate capacity and name property, real, personal and mixed.

SEC. 2. The capital stock shall be one million dollars, to be Capital stock. divided into one hundred thousand shares of ten dollars each.

SEC. 3. The principal office of the company shall be at Office. Mt. Pleasant, Cabarrus county, with such branch offices located wherever they may deem proper as may be necessary for the transaction of the business of the company ;

- Directors.** and the affairs of the company shall be managed by a board of directors of such number as the stockholders may select and choose, and a governor [quorum] of whom may be such number as the stockholders may name, but for the purpose of organization, the corporators herein named shall constitute the board of directors, and shall hold office
- Officers.** until their successors are elected and qualified. The officers of the company shall be a president and such other officers as the board of directors shall name, and all officers except president may be abolished or combined by a majority vote of the stockholders.
- Subscriptions to capital stock.** SEC. 4. The subscription to the capital stock of said company shall and may be paid in such installments, in such manner and in such property, real and personal, as a majority of the corporators herein named may determine, but the stockholders of this company shall not be liable for any loss or damage or responsibility beyond the
- By-laws, &c.** assets of said company ; and the said company may make, alter, repeal or amend such by-laws and regulations covering all points of organization and business not herein specifically provided for as they may deem necessary and proper :
- Proviso.** *Provided*, the same are not inconsistent with the constitution of the United States or of this state, or the provisions of this act.
- Corporate powers.** SEC. 5. The said company may issue certificates of stock in such form and subject to such regulations as they may from time to time prescribe, with power also to issue bonds, with coupons attached, or other evidences of debt, borrow money, and buy and sell patent rights, and dispose of privileges to work under and use said patents or portions thereof, reserving royalties or payments under the same in such way and manner as they may prescribe, and regulate and direct in what manner their contracts and obligations shall be made and executed, and generally to do all other matters and things necessary to the proper and successful transaction of the business for which it is organized.

SEC. 6. This act shall be in force and effect from and after its ratification.

Ratified the 4th day of March, A. D. 1879.

CHAPTER 37.

AN ACT TO INCORPORATE THE STANDARD GOLD COMPANY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact :

SECTION 1. That William M. Lever, Charles Mears, ^{Body politic.} E. H. Wilson, Harry Mears, George Sconler, and their associates, successors and assigns, or any three of them, be and are hereby created and made a body politic and corporate, by the name, style and title of "The Standard ^{Name.} Gold Company of North Carolina," and by such name and title shall have continual succession for the purpose ^{Powers.} of working, mining, milling, purchasing, manufacturing, smelting, assaying, reducing or otherwise treating ores, earths, minerals and metals, and for building, erecting and owning machinery and fixtures for any of said purposes, or for sale, barter or exchange, and for holding, owning, leasing, mortgaging or selling such real or personal estate as may be necessary in connection with the other privileges herein granted, and to erect houses, mills, and other buildings upon and otherwise improve any lands leased or held by them, and for making, buying and selling such matters and things as appertain to their business, and shall be capable of suing and being sued, impleading and being impleaded, and of having and using a common corporate seal, and the same to alter and change at pleasure, and of granting and receiving in its corporate capacity and name, property real and personal and mixed.

- Capital stock.** SEC. 2. The capital stock shall be one million dollars, to be divided into one hundred thousand shares of ten dollars each.
- Office.** SEC. 3. The principal office of the company shall be at Concord, Cabarrus county, with such branch offices located wherever they may deem proper as may be necessary for the transaction of the business of the company, and the affairs of the company shall be managed by a board of directors of such number as the stockholders may select and choose, a governor [quorum] of whom may be such number as the stockholders may name, but for the purpose of organization the corporators herein named shall constitute a board of directors, and shall hold office until their successors are elected and qualified. The officers of the company shall be a president and such other officers as the board of directors shall name, and all offices except president may be abolished or combined by a majority vote of the stockholders.
- Directors.**
- Officers.**
- Subscriptions to capital stock.** SEC. 4. The subscription to the capital stock of said company shall and may be paid in such installments, in such manner and in such property, real or personal, as a majority of the corporators herein named may determine, but the stockholders of this company shall not be liable for any loss or damage, or responsibility beyond the assets of said company, and the said company may make, alter or repeal or amend such by-laws and regulations covering all points of organization and business not herein specifically provided for as they may deem necessary and proper : *Provided*, the same are not inconsistent with the constitution of the United States or of this state or the provisions of this act.
- By-laws, &c.**
- Proviso.**
- Corporate powers.** SEC. 5. The said company may issue certificates of stock in such form and subject to such regulations as they may from time to time prescribe, with power also to issue bonds with coupons attached or other evidence of debt, borrow money and buy and sell patent rights, and dispose of privileges to work under and use said patents or

portions thereof, reserving royalties or payments under the same in such way and manner as they may prescribe, and regulate and direct in what manner their contracts and obligations shall be made and executed, and generally to do all other matters and things necessary to the proper and successful transaction of the business for which it is organized.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1879.

CHAPTER 38.

AN ACT TO ALLOW THE BANK OF GREENSBORO TIME TO WIND UP ITS BUSINESS.

The General Assembly of North Carolina do enact :

SECTION 1. That the corporation known as the Bank of Greensboro, chartered by the General Assembly and ratified on the tenth day of April, one thousand eight hundred and sixty-nine, shall be allowed four years from the ratification of this act to settle and close up its affairs. Allowed time to settle its affairs.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1879.

CHAPTER 39.

AN ACT TO INCORPORATE BALD CREEK BAPTIST CHURCH, YANCEY COUNTY, EGYPT TOWNSHIP.

The General Assembly of North Carolina do enact :

SECTION 1. That the Bald creek Baptist church in the Incorporation.

county of Yancey, be and the same is hereby incorporated by the name and style of Bald Creek Baptist Church.

Corporate limits. SEC. 2. That the corporate limits of said church shall extend one mile in each direction, and it shall be unlawful for any person to sell or dispose of any spirituous liquors within said distance, and any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned at the discretion of the court.

Commissioners. SEC. 3. That the present pastor and deacons shall be constituted commissioners of said church, and shall have all the powers conferred on like corporations not inconsistent with the constitution of this state or United States.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1879.

CHAPTER 40.

AN ACT TO INCORPORATE THE EAST LA PORTE MASONIC LODGE, NUMBER THREE HUNDRED AND FIFTY-EIGHT, IN JACKSON COUNTY.

The General Assembly of North Carolina do enact :

Body politic. SECTION 1. That the worshipful master, wardens and members of East La Porte Lodge, number three hundred and fifty-eight (358) Free and Accepted Masons in the county of Jackson be and the same is hereby constituted a body politic and corporate under the name and style of East La Porte Lodge, number three hundred and fifty-eight, of Free and Accepted Masons. The same may plead and be impleaded in any court of record or before any justice of the peace in the state, may acquire by pur-

Name.

Powers.

chase or otherwise real and personal estate and hold and dispose of the same, may have a common seal, and in general exercise all such rights and privileges as are usually incident to corporations of like manner.

SEC. 2. That the said corporation shall have power to By-laws, &c. pass necessary by-laws and regulations for its own government which may not be inconsistent with the constitution of this state or the United States, and enforce the same.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1879.

CHAPTER 41.

AN ACT TO ALLOW THE INDEPENDENT ORDER OF GOOD SAMARITANS AND DAUGHTERS OF SAMARIA IN AMERICA, LODGE NUMBER TWO, OF NORTH CAROLINA, TO ESTABLISH A BENEFICIAL DEPARTMENT.

WHEREAS, by chapter ten, private laws of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, the Independent Order of Good Samaritans and Daughters of Samaria in America, lodge number two, of North Carolina, was established in this state, for the purpose of promoting charity and brotherly love, and to extend morality among our colored citizens, and to enable them by a combined effort to provide for the education of the young and the support of the widow and fatherless; Preamble.

AND WHEREAS, said order desires to establish a "Samaritan Beneficial Department" in connection with said order, in order more fully to carry out the purpose above mentioned; therefore,

The General Assembly of North Carolina do enact :

Authorized to establish the "Samaritan Beneficial Department."

SECTION 1. That the Independent Order of Good Samaritans and Daughters of Samaria in America, lodge number two, of North Carolina, be and they are hereby authorized and empowered to establish a department to be known and styled as the "Samaritan Beneficial Department," in the manner, upon the terms, and for the purposes hereinafter described.

Objects.

SEC. 2. The object of this department shall be to give all possible moral and material aid to the members thereof, and those dependent upon its members, by educating their children, by causing lectures on religion and morality to be delivered before it, to inculcate charity and brotherly love, to provide for the widows of its members, and support their orphans; and for that purpose they are hereby authorized to raise a fund.

Department, how established.

SEC. 3. For the purpose of establishing said department the grand chief and the other grand officers now in office, not less than five in number, and their successors in office, shall on or before each annual meeting of the grand lodge, number two, of the independent order of good Samaritans and Daughters of Samaria in America, of North Carolina, meet together and elect the officers of said department, establish by-laws, and confer all powers and duties upon said department.

Powers, &c.

SEC. 4. The Samaritan beneficial department, after the same shall have been established as aforesaid, shall have perpetual succession and be capable of suing and being sued, plead and being impleaded, purchasing, leasing, holding, granting and receiving, in their own name and title, real and personal property, and conveying the same to its members or otherwise. It may have a common seal and may change and alter the same at pleasure.

Board of managers.

SEC. 5. That at the next grand lodge meeting, and at each successive annual meeting thereafter, they shall elect from their past members a board of managers, to consist of not less than five nor more than nine of its male mem-

bers. The duty of said board shall be to meet within ten days after their organization and elect from their number a president, vice-president, and secretary and treasurer, Officers. who shall hold their offices for the term of one year and until their successors are duly elected.

SEC. 6. The president and board of managers shall have By-laws, &c. power to establish all necessary by-laws and rules of order for the government of said department: *Provided*, the same Proviso. are not in conflict with the laws of the United States or the state of North Carolina.

SEC. 7. Said officers shall take steps to establish a fund Beneficial fund. for the purpose hereinafter named. Whenever any member of the order shall die who has complied with all the requirements of the beneficial department, upon satisfactory evidence of such death they shall pay out of the fund in their hands a sum to be decided by the board of directors according to the amount in the treasury, not to exceed in any case two hundred dollars; said sum shall be paid to the heirs of said deceased member, or as he or she may direct by will.

SEC. 8. The officers of said department may also make Assessments. a *pro rata* assessment upon all the members thereof for the benefit of the heirs of such deceased member, and the members shall pay in said sum as required by the by-laws.

SEC. 9. The board of directors, the president, the vice- Terms of office. president and the secretary and treasurer shall hold their office for one year and until their successors are elected.

SEC. 10. The property of said department shall only Property, how liable. be liable for the debts of the department, but shall not be interfered with for the individual debts of any of its members. No tax shall be imposed by law on this corporation.

SEC. 11. That whenever the department shall have in Application of surplus funds. its treasury the sum of five hundred dollars over and above all its debts and liabilities the president shall convene the board of managers and they shall proceed by

Proviso.

ballot to select one child or youth from the children of the members, or from the members of said department, (said child may be male or female,) and appoint him or her to some institution of learning and shall pay all the cost and expenses of maintaining said appointee until he or she has completed the course of said institution, or until said five hundred dollars has been expended : *Provided, however*, that if at any time said appointee shall be guilty of conduct calculated to reflect shame and discredit upon said department or shall fail to prosecute his or her studies diligently, the president and board of managers may remove such appointee and appoint some other one in the place of said appointee.

SEC. 12. This act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1879.

CHAPTER 42.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEWBERN.

The General Assembly of North Carolina do enact as follows:

Corporate power,
where vested.

Who eligible for
mayor or councilmen.

Councilmen.

SECTION 1. That the corporate powers and authority granted to the city of Newbern shall be vested in and exercised by a mayor and eight councilmen. No person shall be eligible as mayor or councilman unless he shall be eligible as a member of the legislature of this state and shall have resided within the city ninety days next preceding the day of election. And every councilman elected by the people shall be a resident of the ward for which he shall be chosen ninety days next preceding the day of election.

SEC. 2. That one councilman shall be elected for each of the five wards of the city by the qualified voters of

such wards respectively, and within five days after their election they shall convene and qualify before the former Qualification. mayor or a justice of the peace. Immediately after qualifying they shall proceed to elect as follows: Three councilmen from the people at large. The councilmen of the Councilmen at large. second and third wards shall elect one. The councilmen of the first and fifth wards shall elect one; and the councilmen of the second and fourth wards shall elect one. The councilmen of the first ward shall preside as chairman Chairman of this meeting of the board, who shall vote as a councilman, and in case of a tie shall give the casting vote. In the absence of the councilman of the first ward the councilman of the second ward shall preside as chairman. Immediately after such election the three councilmen so chosen from the people at large shall qualify before the mayor or a justice of the peace. Whereupon the board of Mayor. councilmen or a majority of them shall proceed to elect from outside their number a mayor, who within five days after his election and before entering on the duties of his office shall qualify before the outgoing mayor or a justice Qualification. of the peace, and in case of a tie shall give the casting vote.

SEC. 3. If any vacancy shall occur in the board of Vacancies. councilmen by any councilman failing to qualify in the time prescribed, or after qualifying shall fail to serve, or occurring from any cause, the councilmen elect who have qualified shall fill the vacancy so occurring and such person only shall be chosen as are heretofore declared to be eligible. If the election of mayor or any councilman from the people at large shall have been prevented by a vacancy in the board of councilmen such election shall be proceeded with as heretofore declared after the vacancy is filled.

SEC. 4. Any person qualified to serve and elected mayor Failure of mayor to qualify or serve. or councilman either by the electors at their annual election, or by the councilmen to fill a vacancy, or otherwise, who shall not take the oath of office within five days after his election, or who, having qualified, shall not continue to serve

- Penalty.** during the term for which he may be elected, (inability from sickness, absence from the city, or removal excepted,) shall forfeit and pay one hundred dollars, to be recovered in the name and for the benefit of the city of New Berne:
- Provido.** *Provided*, that no person so elected or refusing to serve shall be subject to said penalty if such person shall have served as mayor or councilman one year in the five years last preceding said election.
- Vacancy in office of mayor.** SEC. 5. Whenever there shall be a vacancy in the office of mayor, and when the mayor shall be absent from the city, or be prevented by sickness or any other cause from attending to the duties of his office, the board of councilmen may appoint one of their number to act as mayor, who shall possess all the rights and powers of mayor during the continuance of such vacancy, absence or disability.
- Mayor to preside at sessions of board of councilmen.** SEC. 6. The mayor shall preside at the meeting of the board of councilmen, but shall have no vote except in case of a tie.
- Duties of mayor.** SEC. 7. It shall be the duty of the mayor to communicate at least twice a year in writing, or oftener if he shall deem it expedient, a general statement of the situation and condition of the city in relation to its government and improvement; second, to recommend to the adoption of the board of councilmen all such measures connected with the police, security, health and cleanliness of the city as he shall deem expedient; third, to be vigilant and active in causing the laws and ordinances for the government of the city to be duly executed and enforced; fourth, to keep a faithful minute of all precepts issued by him and of all his judicial proceedings, and to report in writing at every regular monthly meeting of the board of councilmen the total amount of costs and fines that have been imposed by him in all judicial proceedings for the violation of city ordinances during the previous month.
- Powers of mayor.** SEC. 8. That the mayor shall have power to commit

any person convicted of a violation of any city ordinance to the county or city prison until the fines and costs are paid, or require such person so imprisoned to work on the streets until the fines, costs and prison fees are paid, and such person can only be released as is provided in like cases in other courts.

SEC. 9. That the board of councilmen shall appoint a **City marshal.** fit and proper person, who shall be a qualified voter of the city, to the office of city marshal, who shall give bond **Bond.** with approved sureties in a penal sum to be fixed by the board and payable to the city of New Bern, with conditions that he will diligently perform all duties imposed upon him by virtue of his office and faithfully pay to the treasurer all sums of money collected or recovered by him to or for the use of the city, and shall hold the office during the term of the board appointing him, subject to be removed at any time for misconduct.

SEC. 10. It shall be the duty of the city marshal to pay **Duties of city marshal.** over to the city treasurer all money that may be collected by him to or for the use of the city at least once every month, and shall communicate to the board of councilmen at their regular monthly meeting in writing a full statement of all costs, fines and fees collected and the disposition made of the same.

SEC. 11. It shall be the duty of said marshal and the **Duty of city marshal and police.** police to preserve the peace by the suppression of disturbances and the apprehension of all offenders, and the marshal or any policeman shall have power to summons as many persons as he may deem necessary to assist in the performance of the above duties.

SEC. 12. That no person shall be entitled to vote for **Qualifications of electors.** councilman or any other city elector unless he shall be qualified and entitled to vote for members of the general assembly of the state and shall have resided in the ward in which he offers to vote for ninety days immediately preceding the day of election: *Provided*, the residence of a married man shall be in the ward where his family re-

sides, and that of a single man where he boards and sleeps, and should any single man board in one ward and sleep in another, then his residence shall be in the ward in which he sleeps, and he shall not vote or register in any other ward. But no elector shall be allowed to register in any ward to which he shall have removed for the mere purpose of being a voter therein, nor unless his residence therein is actual and *bona fide*; and any person knowingly and fraudulently registering or voting at any other place than that of his *bona fide* residence shall be deemed guilty of a crime infamous to the laws of the state, and on conviction thereof shall be fined five hundred dollars and imprisoned six months.

Fraudulent voting, &c.

Penalty.

Fraudulent registration, &c.

SEC. 13. Any person who shall cause or procure his name to be registered in more than one election ward of the city, or shall cause or procure his name or that of another person to be registered knowing that he or the person whose name he has procured to be registered is not entitled to vote in the ward wherein such registration is made, at the ensuing election to be held therein, or who shall falsely personate any registered voter, shall be deemed guilty of a crime infamous to the laws of the state, and upon conviction shall be fined five hundred dollars and imprisoned six months.

Penalty.

Board of councilmen to appoint registrars and inspectors of election.

Duty of registrars.

SEC. 14. That the board of councilmen shall appoint one registrar and two inspectors of election for each ward previous to every election, and the registrars so appointed shall open their registration books on Thursday, Friday and Saturday immediately preceding the regular annual election in some convenient place in each ward, between the hours of eight a. m. and six p. m. of each day, when all persons legally entitled to register may do so; and the registrars may transfer from the old registration book such names only as they know are legally entitled to be transferred from the old registration book, and the registrars shall each receive six dollars for performing said service.

SEC. 15. That if any person appointed as registrar shall fail or refuse to discharge the duties of registrar, the other registrars shall fill the vacancy. Vacancies in office of registrar.

SEC. 16. If any person appointed as inspector of election shall fail or refuse to discharge the duties thereof, the registrar for the ward in which the vacancy occurs shall fill the same, and the registrars and inspectors, before entering upon the duties of their office shall qualify before some justice of the peace. Vacancies in office of inspector.

SEC. 17. That the board of councilmen may appoint a port physician, a city attorney, a sexton for each cemetery, and three policemen, who shall hold their office during the term of the board appointing them, subject to be removed at any time for misconduct: *Provided*, the board can at any time reduce or entirely discontinue the police force as may be thought best. Port physician and other officers. Removal.

SEC. 18. That the board of councilmen shall have power to make and provide for the execution thereof, such ordinances for the government of the city as they may deem necessary, not inconsistent with the laws of the land, and they shall have power by all needful ordinance[s] to secure order, health, quiet and safety within the same, and for one mile beyond the city limits; and the powers and privileges of the mayor as a justice of the peace to be exercised within the above limits. Ordinances.

SEC. 19. That any person violating any ordinance of the city shall be deemed guilty of a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars and imprisonment at labor on the streets for thirty days. Violation of ordinance. Misdemeanor.

SEC. 20. That the councilmen may require and compel the abatement of all nuisances within the city at the expense of the person causing the same, or of the owner or tenant of the ground whereon the same shall be. Nuisances.

SEC. 21. That the board of councilmen may take such measures as they may deem effectual to prevent the entrance into the city of any contagious or infectious diseases. Prevention of contagious diseases.

Hospital. ease, may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease, may establish and regulate hospitals within the city or within three miles thereof, may cause any person in the city suspected to be infected with such diseases and whose stay may endanger health, to be removed to the hospital, may remove from the city or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate disease.

Liability of patient for expenses in hospital, &c.

SEC. 22. That in case any person be removed to the hospital, the corporation may recover before the mayor or any justice of the peace of such person the expense of his removal, support, nursing and medical attendance; and in case of death, of his legal representative, and in that event, burial expenses also, if the corporation incur that expense.

Power to stop trains, &c.

SEC. 23. That the board of councilmen may take such measures as they may deem effectual to stop, detain and examine within three miles of the city limits all railroad trains and other public conveyances bringing passengers or goods to said city, and that the compensation of the port physician for visiting such trains or other conveyances shall be paid by the owner or owners of such train or conveyances: *Provided*, that the compensation shall not exceed two dollars for each visit: *Also provided*, this section shall not apply to vessels or steamers or subjects now governed by the general marine quarantine laws.

Compensation of port physician.

Proviso.

Proviso.

Sale of animals running at large.

SEC. 24. That the board of councilmen are empowered to make such rules and regulations as they may deem best for the sale of all animals found roaming at large in the streets contrary to the ordinances of the city: *Provided*, no stray shall be sold without first being advertised five days in some daily paper of the city, or in lieu thereof at three public places in said city; all strays so taken

Proviso.

and duly advertised to be sold at public auction at the court house door for the benefit of the city; and the mayor is hereby empowered to make title to all such strays after having fulfilled the requirements of this section.

SEC. 25. That no mayor or councilman or other officer of the city shall directly or indirectly become a contractor for work to be done for the city, and no work shall be awarded any contractor without good and sufficient sureties.

Officer of city not to become contractor, &c.

SEC. 26. That no fees or costs of magistrates or other officers for the arrest or trial of persons charged with misdemeanors, including vagrancy, shall be assessed upon or collected of the city.

City not liable for costs.

SEC. 27. That all costs, fees and fines imposed by the mayor in any process in connection with the breach of any city ordinances shall be collected by the city marshal and paid over to the treasurer for the use of the city, except as hereinafter provided, and in no event shall the city be required to pay any part of such costs and fees.

Costs, fines, &c., how collected.

SEC. 28. That the salaries of the officers of said city shall in no case exceed the sums following: The mayor four hundred dollars per annum, without costs or fees; the treasurer two hundred dollars; the clerk two hundred dollars; the city marshal twenty-five dollars per month and one-half of the costs and fees collected in any process in connection with the breach of any ordinance of the city; city attorney two hundred dollars per annum; sexton twenty dollars per month; and that of each policeman thirty dollars per month.

Salaries.

Mayor.

Treasurer.

Clerk.

Marshal.

Attorney.

Sexton.

Policemen.

SEC. 29. All moneys arising from taxation, donation or other sources shall be paid to the treasurer of the city, and no appropriation thereof shall be made except for the necessary expenses of the city, and but by a concurring vote of six eighths (6-8) of all the councilmen.

Moneys due city, to whom paid.

Appropriation.

SEC. 30. That the board of councilmen shall have power to impose annually such tax per capita on all dogs

Dog tax.

running at large or kept within said city as they may deem proper, and may require all dogs to wear such tax badge as they may designate.

Failure to list dogs
for taxation, &c.

SEC. 31. Any person residing in the city having therein any dog and shall not return it for taxation, and shall fail to pay the tax according to law after fifteen days' public notice of the imposition thereof, shall be guilty of a misdemeanor and on conviction thereof before the mayor or a justice of the peace shall be fined not exceeding five dollars, or imprisoned two days, or the dog may be treated as a nuisance and destroyed.

Misdemeanor.

License tax.

SEC. 32. That the board of city council shall have power to levy and collect the following license tax for the privilege of carrying on the trade, profession, business, or doing the acts named, and nothing in the schedule shall be construed to relieve any person from the payment of the *ad valorem* tax on his property: on all banks or bankers, express, telegraph and insurance companies, and dealers in spirituous, vinous and malt liquors, a tax not to exceed fifty dollars per annum; on all drummers selling or offering to sell any goods, wares or merchandise, with or without sample, a tax not to exceed fifty dollars a year, or three dollars a day for each and every day they shall so sell or offer to sell; and are empowered to tax all persons following any trades or profession or professions, or any other occupations or callings, provided the total amount collected from any person or firm shall not exceed twenty-five dollars per annum; and all subjects now allowed to be taxed by act of April sixth, one thousand eight hundred and seventy-one, the amount named in said act and not inconsistent with this section.

Banks, &c.

Liquor dealers.

Drummers.

Trades and pro-
fessions.
Proviso.

Failure to obtain
license.

SEC. 33. That every person who shall practice any trade, profession, or use any franchise taxed according to law by said board of councilmen without having first obtained a license for the same as required, shall be deemed guilty of a misdemeanor and subject to a penalty of not more than fifty dollars or imprisonment for thirty days,

Misdemeanor.

to be recovered before the mayor for the benefit of the city, and any goods, wares or other property of the owners may be forthwith distrained by the tax collector and sold to satisfy the tax and costs of collecting the same.

SEC. 34. That the board of councilmen shall have power to divide the license tax enumerated into monthly instalments to be paid in advance by the party liable to the same upon receipt of license to carry on their respective trades, professions or occupations, and said councilmen may allow a deduction of twenty-five per cent. on all license tax to such persons as shall pay their license tax for twelve months in advance, or for the time said board shall continue in office.

Power of councilmen to make license tax payable monthly in advance.

Deduction.

SEC. 35. That the said board of councilmen shall appoint a tax collector, a freeholder, who shall be a resident of the city, and who before entering upon the discharge of his duties shall give bond in the sum of five thousand

Tax collector.

Bond.

dollars, with two or more securities, freeholders in the city of New Berne, to be approved by the mayor and council, and who shall justify before a justice of the peace in double the amount of the bond payable to the mayor and council of the city of New Berne, with condition for the due collection, payment and settlement of the taxes imposed by the council of said city; and the said tax collector is hereby vested with the same power and authority to collect the said taxes as well as those contained in the list of taxables as those due from delinquents by distress or otherwise as by law the sheriffs of the states are or may be empowered, and he shall be entitled to five per cent. on the gross amount of all taxes collected as a compensation for his services; and in case of failure to collect and pay the same within the year for which such taxes are laid said tax collector shall forfeit his compensation for collection, and it shall and may be lawful for the superior courts of Craven county, on motion in behalf of said mayor and council to give judgment against said tax collector and his sureties or against their

Powers.

Compensation.

Failure to collect.

Summary judgment.

Credit for insol- vents.	heirs, executors or administrators for all moneys where- with said tax collector may be chargeable to said mayor and council, except such part thereof as may be allowed to said tax collector by the council as insolvent or such as on proofs to the said court may by said court or jury by whom such case is tried be allowed to said tax col- lector as insolvent, with costs of suit, and thereupon to
Execution.	award execution as in other cases of judgment in said
Proviso.	court: <i>Provided</i> , that ten days' notice of such motion shall
Proviso.	be given to every person against whom such judgment is applied for: <i>Provided</i> , that it shall be sufficient notice of
Misapplication of fund.	the sale of any property by said tax collector for taxes to advertise the same in a newspaper printed in the city of New Berne for four weeks; and for any misapplication of
Misdemeanor.	the funds that may come into his hands as tax collector he shall be liable to indictment as for a misdemeanor.
Treasurer.	SEC. 36. That the said mayor and council shall appoint
Bond.	from their body a treasurer who shall give bond in the sum of five thousand dollars payable to the mayor and council of the city of New Berne, with two or more sure- ties to be approved by the council, who shall be freehold- ers in the city of New Berne, and who shall justify before a justice of the peace in double the amount of the bond conditioned for the faithful discharge of the duties of
Duties.	treasurer. Said treasurer shall publish a monthly item- ized statement of all moneys received and disbursed by him, in every ward in the city and at the court-house door, which shall be sworn to before a justice of the peace.
Property exempt from taxation.	SEC. 37. That no property or subjects of taxation which are especially exempted shall be taxed by the city, and that the annual tax upon the poll shall not exceed the
Limitation of tax ation.	sum of one dollar, and that the annual tax on real estate and personal property shall not exceed the sum of fifty cents on the one hundred dollars valuation: <i>Provided</i> ,
Reservation of tax for purchase of fire engine, &c.	that sixteen and two-third cents on the one hundred dol- lars valuation of the above tax shall be annually reserved by the city treasurer until the amount so reserved shall be

sufficient to purchase a steam fire engine, hose and necessary apparatus of [for] the city of New Berne.

SEC. 38. That when a sufficient amount shall have been reserved to purchase a steam fire engine, hose and necessary apparatus, such purchase shall be made without delay.

When engine to be purchased.

SEC. 39. That after a sufficient amount is collected to purchase a steam fire engine, hose and necessary apparatus, the annual tax on real and personal property shall not exceed thirty-three and one-third cents on the one hundred dollars valuation.

Limitation of taxation after purchase of engine, &c.

SEC. 40. No sale of real estate in said city for the payment of taxes assessed against such real estate shall be invalid on account of the same having been assessed as belonging to any other than the owner, or as the property of an unknown owner, or on account of any informality or irregularity whatever in any proceedings for its assessment or sale, unless the person impeaching such sale shall show that the taxes so appearing as assessed on such property, and all the penalties and costs accruing on such assessment and the proceedings for the sale, were paid at the time of the sale of the said property.

Sale of real estate for taxes.

SEC. 41. That the tax collector is hereby authorized and empowered to sell the real estate in the city for taxes whether such real estate belongs to resident or non-residents or to persons unknown, and to sell any one lot or sub-division of a lot, or so much and such part thereof as may be necessary to pay the taxes due; and further, that the owner or any one for him, or any mortgagee or person having a lien, be allowed to redeem any property sold for taxes at any time within two years on paying the purchaser or the city treasurer for him the amount of the tax, costs and expenses of sale paid by the purchaser, with twenty-five per cent. thereon and two dollars for the expense of reconveyance. The board of councilmen, by the mayor, tax collector or any other agent, may purchase any real estate sold for taxes, and in such event the deed

Powers of tax collector concerning sale of real estate for taxes.

Redemption.

City authorized to purchase real estate sold for taxes.

conveying the same shall be made to the city, and all such real estate so purchased may be redeemed as other real estates sold for taxes as aforesaid, and when so redeemed the mayor shall reconvey the same to the owner or owners, or his or their agent or heirs-at-law at their expense as aforesaid. The land of an infant, lunatic or person *non compos mentis* shall not be sold for taxes, and when the same shall be owned in common with others free from such disability, the sale shall be made according to section two, chapter ninety-nine of the Revised Code.

Redemption.

Lands of infants, &c.

When tax collector to make title.

SEC. 42. That if the real estate sold as aforesaid shall not be redeemed within the time specified the then tax collector shall convey the same in fee to the said purchaser or his assigns, and the recital in such conveyance or in any other conveyance of land sold for taxes due the city that the taxes were due shall be *prima facie* evidence that the same was true.

Powers of tax collector concerning sale of personal property for taxes.

SEC. 43. If the party charged with taxes and failing to pay the same shall have personal property within the city limits of the value equal to the tax charged against him, the tax collector shall seize and sell the same in the same manner as is required for the sale of property by the sheriffs under execution.

No compensation to auditing committee.

SEC. 44. That the board of councilmen shall not allow any compensation of any services rendered by the auditing committee in the discharge of their duties as such committee, nor to any member thereof in the discharge of the duties of the same.

Sheds, awnings, &c.

SEC. 45. That the board of councilmen are authorized to make such rules and regulations as they may deem proper for the erection, continuance or discontinuance of all sheds, awnings and signs over the sidewalk, and of all platforms and bridges on or over said sidewalks or ditches of the city.

Extra policemen.

SEC. 46. That the board of councilmen are hereby empowered, upon any special occasion when it may be deemed necessary for the peace and quiet of the city, to

appoint such extra police force as may be required, and whose compensation shall not exceed the sum of one dollar per day.

SEC. 47. All tax lists which have or may hereafter be placed in the hands of the tax collector, the minutes of all meetings as recorded by the clerk of the board and all documents or books containing any record relative to the government of the city shall be opened for the inspection of the public.

Tax lists, minutes &c., open to inspection.

SEC. 48. All ordinances passed by the board of councilmen for the better government of the city shall be entered in the minutes of the meeting at which they were passed, and also recorded in a book to be kept for that distinct purpose, and which shall set forth the number of the ordinances and the date of their passage.

Ordinances to be recorded, &c.

SEC. 49. That no ordinances shall be of effect until public notice shall have been given of the passage of the same, either by advertisement for one week in some daily paper of the city, or by notice for ten days in each ward of the city and at the court-house door.

Public notice of ordinances.

SEC. 50. All the work to be done for the city wherein the total amount for material and labor shall exceed the sum of two hundred dollars shall be let out only on written contract to the lowest bidder, and no contract shall be made but by a concurring vote of six-eighths of all the councilmen. No work or contract shall be subdivided so as to defeat the operation of this section.

Contracts with city for work, how made, &c.

SEC. 51. That all votes taken in making appropriations or contracts shall be entered upon the minutes of the meeting at which such vote was taken, and shall designate the names of the councilmen voting in the affirmative and likewise those voting in the negative.

Votes of councilmen on appropriations or contracts to be recorded, &c.

SEC. 52. If among the number voted for for councilmen there should be any two or more who have an equal number of votes, and either would be elected but for the equal vote, the registrar of the ward in which such tie occurs shall decide the election.

Tie vote in election for councilmen.

SEC. 53. That this act shall be enforced from and after its ratification, and all laws and parts of laws in conflict with this act are hereby repealed.

Ratified the 4th day of March, A. D. 1879.

CHAPTER 43.

AN ACT TO INCORPORATE THE TOWN OF HIGHLANDS, IN MACON COUNTY.

The General Assembly of North Carolina do enact :

**Town of Highlands
Incorporated.**

SECTION 1. That the town of Highlands, in the county of Macon, be and the same is hereby incorporated by the name and style of the town of Highlands, and shall be subject to all the provisions contained in the one hundred and eleventh chapter of Battle's Revisal not inconsistent with this act.

Corporate limits.

SEC. 2. The corporate limits of said town shall be as follows: Beginning at the postoffice known as Baxter White's Store, running each way from there so as to make one mile square.

Commissioners.

SEC. 3. Until officers shall be elected as herein provided the government of said town shall be vested in the following named commissioners, to-wit: Mayor, George A. Jacobs; commissioners, S. T. Kelsey, Stanhope Hill, Baxter White, John Norton.

Election.

SEC. 4. An election shall be held on the first Thursday in May, one thousand eight hundred and seventy-nine and each successive year thereafter for mayor and three commissioners, and persons living within the corporate limits of said town [who] are qualified to vote for members of the general assembly shall vote in the election for officers of said town.

Electors.

SEC. 5. For the good government of said town the said

officers and their successors in office shall have all the powers, rights and privileges, and be governed by the rules, regulations and restrictions conferred upon, and to which mayors and commissioners of incorporated towns are subject by chapter one hundred and eleven, Revised Code, as brought forward in Battle's Revisal, chapter one hundred and eleven. Powers of town officers.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 44.

AN ACT TO AMEND CHAPTER EIGHTY-EIGHT OF THE PRIVATE ACTS OF THE GENERAL ASSEMBLY, PASSED AT THE SESSION OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, ENTITLED "AN ACT TO INCORPORATE THE FAYETTEVILLE AND GOLDSBORO RAILWAY COMPANY."

The General Assembly of North Carolina do enact:

SECTION 1. That the caption of said act be amended so as to read: "an act to incorporate the Harnett Railway Company," and that for the purpose of constructing a railway from the town of Goldsboro in Wayne county to Smiley's Falls on the Cape Fear river, in Harnett county, Lott W. Humphrey, W. F. Kornegay, Julius A. Bonitz, Dr. M. W. Hooper, Walter A. Lee, C. C. Barbee, David Stewart, B. F. Shaw, Everett A. Bizzell and their associates are hereby made and constituted a corporation, with succession for ninety-nine years, to be known by the name and style of the Harnett Railway Company, and by that name shall be capable of purchasing, holding, Chap. 88, private acts 1874-'75, amended. Body politic. Name changed. Powers.

selling, leasing and conveying estates, real, personal and mixed; and of acquiring the same by gift, devise or otherwise, so far as may be necessary for the purposes within the scope, object and intent of this charter, and by their corporate name may sue and be sued, plead and be impleaded in any court of law or equity in this state; and may have and use a common seal, which they shall have power to alter at pleasure; and may from time to time make all such by-laws, rules and regulations as they may deem proper and necessary for their government and the interest of said company, not inconsistent with the constitution and laws of this state and of the United States. And they, or a majority of them may forthwith, or when they may elect, open books of subscription to the capital stock of said company, at such places and under such regulations as they may prescribe. Said capital stock shall not exceed six hundred thousand dollars, (\$600,000) to be divided into twelve thousand (12,000) shares of fifty dollars (\$50) each. Subscription to the capital stock of said company may be made payable in cash, land, timber, bonds, securities, real and personal estate, machinery, rails, labor, and services by contract or otherwise.

Capital stock.

Sec. 6 amended.

Authority to execute mortgages, &c.

SEC. 2. That section six of said act be amended so as to read as follows: To secure the payment of said bonds and the interest thereon, as the same becomes due, the said corporation may execute and deliver mortgage deeds with power of sale to such trustee or trustees as may be selected or agreed on, the same to be signed by the president and attested by the secretary of said corporation, and the corporate seal, conveying its railway, franchises and property, including its road-bed, superstructure, equipments, choses in action and all its real and personal property of whatever kind; and the said mortgage deeds, when duly executed, may be registered either in the office of the register of Wayne or Harnett county, and its registration in either county shall be deemed an effectual and

sufficient registration for all purposes whatever, and shall have priority and preference over all claims against said corporation; and it shall not be necessary to register or record the same in any other county, any law to the contrary notwithstanding.

SEC. 3. That section seven of said act be amended to read as follows: That the said Harnett Railway Company shall have the power and authority to appropriate and occupy so much land on the line of said railway as may be necessary for the construction thereof not exceeding one hundred feet from the central line of the track of said railway on each side, and so much additional land as may be necessary for the erection of station houses, sidings, switches, engine houses, machine shops and other necessary structures.

Sec. 7 amended.
Authority to condemn land, &c.

SEC. 4. That section eight be altered and amended so as to read as follows: The said Harnett Railway Company may lease all its chartered rights and privileges, or lease and rent its property, or may merge and consolidate with any other railroad or navigation company in such manner and upon such terms as the stockholders in the respective corporations may agree upon, and when so let or merged and consolidated the corporation controlling the same shall be authorized to operate and maintain the entire line of railway and succeed to enjoy all the rights, franchises and privileges of the said Harnett Railway Company, and shall assume and be liable to all the legal duties and obligations thereof.

Sec. 8 amended.
Authority to lease, consolidate, &c.

SEC. 5. That sections nine, ten, eleven in said act be stricken out and repealed.

Secs. 9, 10 and 11 repealed.

SEC. 6. That section twelve be altered and amended by inserting the "Harnett Railway Company" in lieu of the Fayetteville and Goldsboro Railway Company wherever it occurs in said section.

Sec. 12 amended.

SEC. 7. That the gauge of said Harnett Railway shall be fixed and established as the stockholders of said company in general meeting may determine.

Gauge.

Branch road.

SEC. 8. That the said Harnett Railway Company shall have authority to construct a branch of their road to connect with any other road or to any other point or points at the pleasure of the stockholders of said Harnett Railway Company, according to the provisions of chapter ninety-nine Battle's Revisal concerning railroads.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 45.

AN ACT TO INCORPORATE BEE LOG BAPTIST CHURCH, IN THE COUNTY OF YANCEY.

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. That the Baptist church of Bee Log, in the county of Yancey, be and the same is hereby incorporated by the name of Bee Log [Baptist] Church.

Corporate limits.

SEC. 2. That the corporate limits of said church shall extend one mile in each direction, and that it shall be unlawful for any person to sell or dispose [of] any spirituous liquors in said distance, and [any] person who shall violate the provisions of this section shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned at the discretion of the court.

Unlawful to sell
spirituous liquors,
&c.

Misdemeanor.

Commissioners.

SEC. 3. That until their successors are organized, Rev. Samuel Wilson, Robert Lewis and S. B. Hensley shall be commissioners of said Baptist church.

Powers.

SEC. 4. That said commissioners shall have all the powers to establish such rules and regulations as are given to like incorporations, not inconsistent with the constitution of the state or of the United States.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 5th day of March, 1879.

CHAPTER 46.

AN ACT TO APPOINT AND SETTLE A FERRY IN THE GREAT
PEE DEE RIVER, TO BE KNOWN AS SMITH'S FERRY.

The General Assembly of North Carolina do enact :

SECTION 1. That Walter D. Smith and William A. W. D. Smith and
W. A. Smith au-
thorized to con-
struct ferry.
Smith are hereby authorized to construct a ferry in the
Great Pee Dee river, which is appointed and settled and
to be located as hereinafter provided; and that said ferry
shall be in all respects a public ferry and subject to the
general laws, rules and regulations governing such ferries.

SEC. 2. That the said Walter D. Smith and William A. Powers, &c.
Smith, their heirs and assigns, shall have all the rights,
powers, franchises and privileges usually conferred upon
the owners and managers of such ferries, and all rights,
powers and privileges necessary to enable them to con-
struct and establish and equip said ferry. And the said
parties, their heirs and assigns, are authorized to trans-
port persons, vehicles of all sorts, and all kinds of freight,
goods, wares and materials over and across said river at
their said ferry by means of flats, boats or any craft they
may see fit to use for that purpose, and to receive as a
consideration for said transportation such fare or tolls as
may be prescribed by law or by the proper authority.

SEC. 3. That said parties shall give bond and be subject Bond to be given.
to all the liabilities and penalties imposed by law for any
neglect or omission in the control or management of said
ferry.

SEC. 4. That one landing of said ferry shall be situated Landings, where
situate.
on the bank of said river in Richmond county at a point
about three hundred yards below the mouth of Dry Creek
in said county, commonly and heretofore known as the
Doctor Wiley Smith Landing, it being the landing on the
Richmond county bank of said river of the said ferry;
and that the said parties may locate the landing on the

Proviso.

bank of said river at said point or at some other and more convenient point, not beyond two hundred yards from said point on [the] other side thereof. And that the other landing shall be on the Anson county bank of said river, at a point as nearly opposite the landing on the bank in Richmond county as can be conveniently located. And the termini of said ferry so located by said parties shall be deemed and held the termini of said ferry: *Provided*, that the said parties shall not use or enter upon the land of any other person for the purpose of making and constructing landings.

SEC. 5. This act shall take effect from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 47.

AN ACT TO INCORPORATE THE TRUSTEES OF BALL'S CREEK METHODIST CHURCH AND CAMP GROUND, IN THE COUNTY OF CATAWBA.

The General Assembly of North Carolina do enact:

Body politic.

Name.

Powers, &c.

SECTION 1. That M. B. Trolinger, J. W. Sigman, W. E. Jones, Joel Fisher, J. M. Long, J. L. Grice, M. A. Sigman, F. A. Bleakley, J. H. Aderholdt and their successors shall be and are hereby declared a body politic and corporate in deed and in law by the name and style of the Trustees of Ball's Creek Camp Ground, in the county of Catawba, and said corporation shall have power to purchase and hold real and personal estate and to acquire the same by gift or otherwise, shall have perpetual succession and sue and be sued, plead and be impleaded in any court of this state having competent jurisdiction, and may have and

use a common seal and have power to elect such officers as they shall deem necessary. -

SEC. 2. That in case of death or refusal to act or removal or from any other cause there becomes a vacancy, the remaining trustees shall have power to fill the same: *Provided*, their number shall not be less than five or more than fifteen. Vacancies.
Proviso.

SEC. 3. That it shall not be lawful for any person to sell, give away or dispose of spirituous liquors at or within two miles of Ball's Creek Camp Ground, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offence be fined not more than fifty dollars or imprisoned not exceeding thirty days. Sale of liquors prohibited.
Misdemeanor.

SEC. 4. That it shall be a misdemeanor for any one to exhibit himself drunk in the limits of this incorporation while the church and camp ground is being occupied for worship, and any one violating this section shall be fined not more than fifty dollars or imprisoned not exceeding thirty days. Misdemeanor to exhibit one's self drunk, &c.

SEC. 5. That it shall be a misdemeanor for any one to use loud and profane language or loud and indecent language or quarrel in a loud and angry manner in the hearing of those assembled in the limits of this incorporation for worship, whether divine service is going on or not at the time, and for every such offence on conviction the offender shall be fined not more than fifty dollars or imprisoned not more than thirty days. Misdemeanor to use profane language, &c.

SEC. 6. That it shall be a misdemeanor for any one to fire off a gun or pistol in the limits of the incorporation while occupied for worship; to sell, give away or buy any intoxicating liquors in the limits of the incorporation while occupied for worship; or wilfully to throw any rock or other missile of any kind against, in or upon any tent in the limits of the incorporation while the same is being occupied for worship; or to make any loud noises under the arbor where divine worship is usually held, whether Misdemeanor to fire gun, &c.

divine service is going on or not; or to upset any wagon, vehicle or tent, or destroy, injure or pull down the same in the limits of this incorporation; or to destroy any harness, saddle or bridle, or wilfully injure the same; or to throw any rock or other missile in the arbor where divine service is usually held; or to wilfully injure or render impure any spring in the limits of the incorporation; or to bring any lewd woman, knowing her to be such, in the limits of the incorporation; or to utter loud or unusual noise in the night-time in the limits of the incorporation, whereby those who are occupying the ground for worship are disturbed: *Provided*, that the offences described in this section be committed while the camp ground is occupied for worship; and for every offence the offenders shall upon conviction be fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor to
injure tent, &c.

SEC. 7. That it shall be a misdemeanor to wilfully destroy, injure, deface or pull down any tent in the said Ball's Creek Camp Ground, or to destroy, injure, deface or pull down the arbor or any outhouse, shed or other appurtenances to a tent, whether the said camp ground is then being occupied for worship or not; and any one violating the provisions of this section shall be fined not more than fifty dollars or imprisoned not less than thirty days.

Ordinances.

SEC. 8. That the trustees of Ball's Creek Methodist Church and Camp Ground and their successors in office may enact all ordinances for the good government and protection of the church and camp ground and people there assembled while occupied for worship, and for the protection of their property which they may have with them, and enforce the same: *Provided*, that such ordinances are not inconsistent with the constitution and laws of the state.

Proviso.

Special police, &c.

SEC. 9. That the trustees of Ball's Creek Camp Ground and their successors shall have full and ample power to appoint special police and to prescribe rules and regula-

lations for their government and remuneration, and may also elect an intendent of police, who shall hold his office for one year or until his successor is appointed.

SEC. 10. That the special police shall have power to keep Powers of police. the peace and to execute all processes to them directed by the intendent of police in the limits of this incorporation while occupied for divine worship; and the church and When camp ground considered occupied. camp ground shall be considered as occupied for worship from the arrival of the first vehicle to the departure of the last at any encampment.

SEC. 11. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 48.

AN ACT TO INCORPORATE YANCEY COUNTY HIGH SCHOOL.

The General Assembly of North Carolina do enact :

SECTION 1. That John W. Burton, chairman, W. W. Body politic. Proffitt, M. P. Hampton, S. T. Proffitt, Wilson Hensly, H. A. Proffitt, their associates and successors, are hereby created a body politic and corporate under the name and style of Trustees of Yancey County High School, and in Name. that name may sue and be sued, plead and be impleaded, Powers, &c. contract and be contracted with, acquire and hold in their corporate capacity property real and personal such as may be necessary and suitable for maintaining a school of high grade on Bald creek, Yancey county, with power to make all needful rules and regulations for their own government and that of said high school, and shall have continual succession for the period of ninety years.

SEC. 2. That in case of a vacancy occurring in said Vacancies.

board of trustees such vacancy shall be filled by appointment of remaining members thereof.

Sale of spirituous
liquors prohibited.

Misdemeanor.

SEC. 3. That it shall be unlawful for any person to sell any spirituous liquors within one mile thereof, and the person so offending shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars nor more than fifty in the discretion of the court.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 49.

AN ACT TO INCORPORATE THE WARM SPRINGS TOLL BRIDGE COMPANY.

The General Assembly of North Carolina do enact :

Body politic.

Name.

Powers, &c.

Capital stock.

SECTION 1. That James H. Rumbough, William H. Howerton, Charles T. Garrett, Amos Stackhouse, Beverly W. Hill, W. A. Wedden, Thomas H. Bailey, W. W. Rollins, their associates, successors and assigns, be and they are hereby created a body politic and corporate by the name and style of the Warm Springs Toll Bridge Company, for the purpose of acquiring or erecting and keeping in repair a bridge across the French Broad river at or near the Warm Springs, in Madison county, and by that name may sue and be sued and plead and be impleaded in any court of this state, have a common seal and all the rights and privileges of a body politic and corporate, and shall exist as a company for only twenty-five years.

SEC. 2. That the capital stock of said company shall not be less than two thousand dollars, with power to increase said capital stock to five thousand dollars when desired by said company. The stock shall be divided into shares of

forty dollars each, and no stockholder shall be liable for more than the amount of his subscription stock.

SEC. 3. The said corporation shall have power to enact *By-laws, &c.* and at any time to alter and amend all by-laws, orders and regulations it may deem necessary for the proper management of its affairs, provide for the sales and transfer of stock, levy and collect assessments, sell delinquent shares of stock, prescribe the number of directors of said company and the term of office of the same, and where and when the meetings of said company shall be held.

SEC. 4. That the board of directors of said company *Officers.* shall elect one of their body as president thereof, and the officers of said company shall be managed by the president and the directors, who shall have power to fill any vacancies that occur in the board, and to appoint all subordinate officers, declare dividends as far as the property will justify and make report to the stockholders agreeable to the by-laws of the company.

SEC. 5. That the company shall be entitled to receive *Rates of toll.* the following toll, to-wit: Six-horse wagons seventy-five cents, four-horse wagons fifty cents, three-horse wagons forty cents, two horse wagons twenty-five cents, one horse wagon fifteen cents, man and horse ten cents, loose horses and mules five cents each, cattle, sheep and hogs two and one-half cents each, pleasure carriages four horse one dollar, two horse fifty cents, horse and buggy twenty-five cents.

SEC. 6. That any person passing over said bridge who *Failure to pay toll.* shall fail and refuse to pay said charges shall forfeit and *Penalty.* pay the sum of ten dollars to be recovered before any acting justice of the peace of the state, and when so collected shall be paid into the treasury of the company.

SEC. 7. That any person or persons who shall sell [or] *Sale of liquors prohibited.* in any other manner dispose of any spirituous or malt liquors within one mile of said bridge shall be guilty of a misdemeanor, and upon conviction thereof before a jus- *Misdemeanor.* tice of the peace shall pay a fine of not less ten nor more

Proviso. than twenty dollars: *Provided*, that the sale of spirituous or malt liquors shall not be restricted beyond January first, one thousand eight hundred and eighty-one:

Proviso. *Provided further*, this section shall not apply to the proprietors of the Warm Springs hotel and their agents in the said hotel building, or a regular druggist upon a prescription of a physician.

SEC. 8. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 50.

AN ACT TO INCORPORATE THE BENNETTSVILLE AND HAMLET RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Formation of corporate company authorized.

SECTION 1. That for the purpose of establishing a communication by railroad from the South Carolina state line at or near the intersection of a straight line leading from Hamlet, in Richmond county, North Carolina, to Bennettsville, South Carolina, the formation of a corporate company is hereby authorized, to be called the Bennettsville and Hamlet Railroad Company, which company when formed in compliance with the conditions hereafter prescribed shall have corporate existence as a body politic in this state.

Authorized to construct railroad.

SEC. 2. That said company is hereby authorized to construct a line of railroad from the aforementioned point on the South Carolina state line and so as to connect with a railroad authorized by an act of the legislature of South Carolina to be built by a company styled the Bennettsville and Hamlet Railroad Company, from Bennettsville, South Carolina, to a point on the South Carolina state

line near Hamlet, North Carolina, to Hamlet, North Carolina.

SEC. 3. That for the purpose of raising the capital stock of said company it shall be lawful to open books of subscription in the towns of Bennettsville, South Carolina, and Hamlet, North Carolina, and in the cities of Wilmington, Raleigh and Charlotte, North Carolina, under the direction of John Shorbridge, F. B. Gibson, J. D. Murchison, P. L. Bruden, J. F. Everitt, C. S. McCall, H. H. Newton, J. C. Everett, P. M. Hamner, T. N. Edens, E. W. Goodwin, John A. Parker, B. F. Moore, R. J. Tatum, Knox Livingston, James M. Gibson, L. R. Hamner, H. A. Hinshaw and John A. McRae, or under the direction of commissioners designated by a majority of said named persons, for the purpose of receiving subscription to the capital stock of said company to an amount not exceeding five hundred thousand dollars (\$500,000) in shares of fifty dollars (\$50) each, the amount so subscribed to constitute a joint stock capital for the purpose of constructing and carrying into operation the railroad by this act provided for; that the times and places for receiving such subscription shall be fixed by the commissioners aforesaid or by a majority of them, and shall be advertised for thirty days in one or more newspapers in this state; and the books for receiving such subscriptions shall be kept open for sixty (60) days at the place or places where the same shall be opened. That on each share of the stock subscribed the subscriber shall pay to the commissioners who shall take the subscription for the same fifty (50) per cent. thereof in national bank notes, the said commissioners giving a receipt for the same; and at the expiration of the time hereby prescribed for keeping open the books the said commissioners and others receiving subscriptions shall deposit the sums received by them in some national bank in this state and shall make a return of the subscriptions taken by them.

Capital stock.

Books of subscription.

Fifty per cent. of stock subscribed to be paid in cash.

When incorporated.

SEC. 4. That when the sum of fifty thousand dollars (\$50,000) shall be subscribed for in the manner herein prescribed the subscribers shall be and they are hereby declared to be incorporated into a company by the name and style of the Bennettsville and Hamlet Railroad Company, and may meet and organize the said company at such time and place as may be designated by a majority of the persons hereinbefore named.

Name

Powers, &c.

SEC. 5. That for the purpose of organizing and forming this company all the powers conferred by the Wilmington and Manchester Railroad Company on the commissioners therein named shall be vested in the persons hereinbefore named, and all the powers, rights and privileges granted by the charter of the Wilmington and Manchester Railroad Company to that company shall be and are hereby granted to the Bennettsville and Hamlet Railroad Company and subject to the conditions therein contained except as to the amount of the capital stock, the amount of shares and the sum necessary to authorize organization, and except in so far as the special provisions of this act may otherwise require the same to be modified or varied.

Authority to cross other railroad tracks.

SEC. 6. That the Bennettsville and Hamlet Railroad Company shall have the right of crossing the track of the Carolina Central Railroad and the Raleigh and Augusta Air-Line Railroad at such point as they may see proper at or near Hamlet.

Reserved power in legislature.

SEC. 7. That nothing in this charter shall prevent the legislature of North Carolina from enacting statutes to regulate passenger and freight rates whenever the public service shall demand on this road.

Property not exempt from taxation.

SEC. 8. That nothing herein contained shall exempt the property of said corporation within this state from taxation, not to exceed, however, the rates levied on other railroad corporations in the state.

SEC. 9. This act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1879.

CHAPTER 51.

AN ACT TO SECURE THE BETTER DRAINAGE OF THE LOW LANDS OF FOURTH CREEK, IN THE COUNTIES OF ROWAN AND IREDELL, BETWEEN BAKER'S MILL, IN ROWAN COUNTY, AND HAYNE DAVIS' MILL IN IREDELL COUNTY.

The General Assembly of North Carolina do enact: -

SECTION 1. That M. H. D. Phifer and James Knox, of Rowan county, and G. F. Shepherd, William Murdock and Frederick Pendleton, of Iredell county, be appointed commissioners, whose duty it shall be upon the application of a majority of interested parties to proceed as soon as practicable to lay off Fourth Creek, in the counties of Rowan and Iredell, from Baker's mill, in Rowan, to Hayne Davis' mill, in Iredell county, into sections of convenient length, and to appoint one overseer for each section, who shall hold his office for a term of two years, and who shall be a land owner in the section for which he is appointed overseer.

SEC. 2. That a majority of said commissioners shall have power to elect one of their own number chairman, and may fill all vacancies in their own number or that of overseer, and in case they shall fail or neglect to fill vacancies occasioned by death or otherwise the board of county commissioners in the county in which said vacancy shall occur shall on application being made appoint commissioners and overseers for the purpose herein mentioned.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land belonging to each land owner in Rowan county and likewise in Iredell county, on Fourth Creek, between the points mentioned in section first of this act, and lying within one-fourth of a mile of the main channel of said creek, whether said bottom land be immediately on said creek or on the tributa-

Land-owners to
furnish hands and
tools.

Penalty for fail-
ure.

How labor to be
distributed.

Duty of overseers.

Unlawful to fell
timber, &c.

Misdemeanor.

ries running into it, and shall furnish each overseer with a copy of the estimate of his section, and said land owners when required by the overseer of the section in which their bottom land lie, and upon a notice of five days by said overseer shall each furnish one efficient hand with appropriate tool, such as he shall be notified by the overseer to furnish for every ten (10) acres of bottom land owned by him and so estimated, and in that proportion for any number of acres less than ten, and on failing so to do shall forfeit and pay ten dollars per day for failure on each hand, which may be recovered by said overseer by warrant as in case of failure to work on public roads.

SEC. 4. It shall be the duty of the commissioners in laying off the creek into sections as provided for in section first of this act to distribute the labor among the land owners in proportion to the number of acres of bottom land owned by them within the estimate provided for in the last section as equally as may be, and to allot the overseer of each section the hands required of the owners of the bottom lands embraced in his section.

SEC. 5. It shall be the duty of each overseer with the hands so provided to work in each and every year within the bounds of their respective sections not less than four nor more than fifteen days at the discretion of the commissioners on the channel of said creek, with power to straighten the same when necessary, to remove obstructions and to improve the banks thereof when necessary under such directions as said commissioners may prescribe.

SEC. 6. That any person or persons who shall wilfully and knowingly fell timber, or otherwise obstruct the waters in the channel of said creek between said points of said boundary in said counties, and shall permit the same to remain therein for the space of ten days, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be fined not less than five nor more than ten dollars;

Provided, that if any person or persons so offending shall ^{Proviso.} pay the penalty herein mentioned to the overseer of the section wherein the offence was committed before a presentment is made of the same he or they shall not be liable to indictment for said offence.

SEC. 7. Any overseer failing or neglecting to perform ^{Misdemeanor.} the duties required by this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten nor more than twenty dollars: *Provided*, ^{Proviso.} that no person shall be required without his consent to serve more than one term of two years at one time.

SEC. 8. That nothing contained in this act shall pre- ^{Building of} vent the building of public bridges on public roads across ^{public roads, &c., not prohibited} said stream, or private bridges or water gates by the land owners for their own convenience.

SEC. 9. That nothing herein contained shall be con- ^{No exemption from work on public roads.} strued as to exempt persons therein mentioned from work on the public roads.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, 1879.

CHAPTER 52.

AN ACT TO INCORPORATE THE TOWN OF HICKORY IN THE COUNTY OF CATAWBA.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of the town of Hickory ^{Incorporated.} residing within one mile of the warehouse of the Western North Carolina Railroad, situate therein, shall continue to be as heretofore a body corporate under the name and style of the "Town of Hickory," and under such name ^{Name.} are hereby invested with all the privileges, immunities, ^{Powers, &c.}

franchises, property and all other rights heretofore belonging or in anywise appertaining to the town of Hickory within the above mentioned bounds, and in and by that name may sue and be sued, plead and be impleaded, acquire and hold property, real or personal, for the use of the town as its board of commissioners may deem necessary or expedient.

Present officers continued.

SEC. 2. That the present mayor and commissioners and other officers of Hickory shall be and they are hereby declared to be like officers with like powers and duties of the town of Hickory until their successors are elected and qualified as hereinafter provided.

Officers.

SEC. 3. The officers of said "Town of Hickory" shall consist of a mayor and six commissioners, to be elected by ballot on the first Monday in May in each and every year (or such other day as may be designated by the general law of the state for municipal elections), a constable and a secretary and treasurer, to be chosen by the board of commissioners immediately after its organization, to hold for one year or until their successors are elected and qualified.

Manner of conducting election.

SEC. 4. That the board of commissioners shall annually at least ten days before the first Monday in May appoint as many inspectors or judges of election as to them may seem proper, (not less than three), and shall give at least ten days' public notice in a newspaper published in the town or by sufficient posters that the said inspectors will hold the annual election at such place or places as the commissioners may appoint in said town and named in the said public notice: *Provided*, that if for any reason the inspectors appointed shall fail to act or any one of them the commissioners may appoint others.

Duty of inspectors of election.

SEC. 5. That it shall be the duty of the inspectors so appointed to hold the election according to law after being sworn by any lawful officer, and at the close of the election the votes shall be counted by the inspectors publicly, and such person voted for as mayor having the largest

number of votes shall be declared to be elected mayor, and such persons (six in number) voted for as commissioners having the largest number of votes shall be declared duly elected commissioners; and the inspectors shall within two days thereafter notify those elected of the fact and also report the result to the board of commissioners of Hickory, who shall keep a correct record of the same: *Provided*, that in case of a tie vote at the annual election the inspectors shall decide who shall be mayor or commissioner as the case may be. Proviso.

SEC. 6. The mayor elect shall within three days after being notified of his election as aforesaid take the oath of office prescribed before any justice of the peace of Catawba county faithfully and impartially to discharge the duties herein imposed upon him as mayor of the town of Hickory, and also such duties as may be by law imposed upon mayors as justices of the peace within the corporate limits of their respective towns in the state. As a peace officer he shall have within the limits of the town all the powers of a justice of the peace, and as a judicial officer within the same all the power, jurisdiction and authority necessary to issue process upon and to hear and determine all cases arising upon the ordinances of the board of commissioners, to enforce penalties upon any adjudged violation thereof by fine or imprisonment within the guard house of the town or the common jail of the county or to hard labor upon the streets, and to execute the laws and ordinances made by the commissioners for the government and regulation of the town: *Provided*, that in all cases any person dissatisfied with his judgment may appeal to the superior court of Catawba county upon recognizance with security for his appearance at the next term thereof and for all costs and fines of the mayor's court and costs of the appeal. Mayor. Powers, &c. Proviso.

SEC. 7. After the mayor has been qualified as above provided he shall within three days call together the commissioners elect, who shall before him or some justice of Meeting of commissioners.

the peace take and subscribe the following oath, to be copied in the secretary's book, viz :

Oath. "I,, do solemnly swear (or affirm) that I will faithfully discharge the duties of commissioner of the town of Hickory for the ensuing year to the best of my ability. So help me God."

Officers to be appointed. After the commissioners or a majority of them have been thus qualified the mayor (or chairman) shall declare the board of commissioners of the town of Hickory duly organized, when they shall appoint a secretary and treasurer and a town constable, both of whom shall hold their offices twelve months and until their successors are appointed and qualified, subject, however, to be removed at any time for misbehavior or neglect of duty in office and others appointed in their stead. Before acting each of the said officers shall be sworn to the faithful discharge of his respective duties, and shall execute a bond with sufficient security payable to the town of Hickory in such sum as the board of commissioners may designate.

Duties of secretary and treasurer. SEC. 8. The secretary and treasurer shall act as the clerk of the mayor's court and of the meetings of the board of commissioners. He shall keep fair and regular minutes of the proceedings of all trials before the mayor, of all fines imposed or other judgments, and preserve the books, papers and all articles committed to his charge during his continuance in office, keep a strict account of all money coming into his hands from any or whatever source belonging to said town, pay the same out upon the order of the board approved by the mayor, and at the expiration of his term he shall deliver over to his successors all balance of money, books, papers and other property belonging to said town, and receive for his services such compensation as the board may allow.

Duties of constable. SEC. 9. The town constable shall collect and pay over to the secretary and treasurer all taxes imposed by the commissioners according to the lists made out, all fines and costs when execution is issued to him for that pur-

pose and return the same in due time to the clerk of the mayor's court. He shall see that the ordinances and regulations of the board of commissioners are enforced and report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders and taking them before the mayor, or if they are intoxicated or in any way not in a condition to be brought before the mayor, to confine them in the guard house until they are in a condition to be brought before him; he shall execute all process directed to him by the mayor or any justice of the peace of Hickory Tavern township within the limits of the town, and in the execution of such process may call to his aid such assistance as may be necessary. He shall have the same fees for his services as are allowed township constables for similar services and such additional compensation as the board of commissioners may allow.

SEC. 10. The board of commissioners (a majority being present) shall have power to make such special ordinances for the better government of the town and the protection of the health and property of its citizens as may be deemed expedient, and the violation of any such ordinance shall be a misdemeanor: *Provided*, the same is in no conflict with the constitution and laws of this state or of the United States. They shall provide for and secure the peace and good order and tranquility of the town against disturbance by quarrels, loud, profane or obscene language, riots, affrays, trespasses or other breaches of the peace, or indecent exposures of the person, by imposing such fines or imprisonment (or hard labor upon the streets in a chain-gang) as they shall deem sufficient to prevent the same or a recurrence thereof. They shall provide for cleaning and repairing the streets and preserving the trees on the squares and the sidewalks. They may also keep open free from obstructions (except railroad houses and property, lumber or other material to be shipped) one hundred feet on each side of the Western North Carolina

Powers of commissioners.

Provided

Railroad (measuring from its centre) as far as first cross street and then as wide and far as may be deemed necessary for all purposes of conveyance. They may also provide for opening new streets and for closing up old ones when they have become useless: *Provided*, that the town guard house shall not be required to be moved.

Proviso.

Taxes.

SEC. 11. For the purposes aforesaid the board of commissioners shall have power to levy and collect annually such taxes on the polls, property, professions and such other subjects within the incorporation as are taxed by the state and county to an amount not to exceed forty cents on the hundred dollars' valuation of property, one dollar and fifty cents on the poll and not to exceed the state and county tax on professions, as may be necessary to defray the expenses of the same and other expenses of the town government.

Board of assessors.

Assessment of taxable property.

SEC. 12. The commissioners at their first meeting after the election and qualification of the new board in each and every year shall appoint one of their number and one citizen of the town not a member of the board who together with the mayor shall constitute a board of assessors, whose duties it shall be to assess the property taxable in and by the town of Hickory on an equal *ad valorem* basis with the state assessment, and shall place such list in the hands of the state assessors for Hickory Tavern Township whenever such assessment is ordered to be made for their benefit in listing said town property; and until the board of commissioners shall otherwise direct, said town assessment shall be the one upon which the town taxes shall be laid and collected. It shall be the duty of the board of assessors to equalize as near as possible all assessments on all classes of property to be taxed for the use of the town. Any property owner dissatisfied with the assessment of said board may appeal to the board of county commissioners as provided for in such cases by law, but said assessment shall be valid till a final decision is had before the county commissioners. For said ser-

vices the town commissioners may allow said town board of assessors such compensation as in their judgment will be right and just. Any person so appointed as assessor and shall refuse to act shall forfeit and pay to the use of the town not exceeding ten dollars, which may be collected by suit in the name of the town brought before any justice of the peace in Hickory Tavern township, and any person who shall be appointed to serve on any sanitary or other committee whatever shall be required to serve under like penalties and like compensation as assessors who shall be so appointed.

Compensation of
Assessors.

Penalty for refusal
to act.

SEC. 13. The board of commissioners shall have full control of the sale of spirituous liquors within the limits of said town, whether or not liquor shall be sold therein, in what quantities, and if by retail the amount of license tax and the conditions to be specified in a written penal bond in the sum of not less than five hundred dollars, payable to the town of Hickory, which may be put in suit to the use of any person injured by such sale, either in person or property, directly or indirectly; and the commissioners shall moreover have power to revoke such license and close up any bar room at their option, sufficient cause being shown, without refunding any part of the license tax, and no license from the board of commissioners or sheriff of Catawba county shall be lawful in said corporation without the license of the town corporation as aforesaid.

Spirituous liquors.

SEC. 14. In case of any vacancy in the office of mayor or board of commissioners, the same shall be filled by the board as soon as possible; and in case any person elected to the office of mayor or commissioner shall refuse to qualify and act he shall forfeit and pay the sum of twenty dollars to the said town, and it shall be the duty of the secretary and treasurer to sue for the same if not paid upon demand. And the commissioners shall each be exempt from poll tax for their services: *Provided*, they shall have served for an entire term, or if they be exempt from poll tax shall be paid out of the town treasury an equiva-

Vacancies.

lent amount. During the absence of the mayor from the town if necessary the board of commissioners shall designate one of their number to act in his stead.

Market house.

SEC. 15. The board of commissioners as soon as they may deem it necessary for the convenience and interest of the town may provide for the erection of a market house and for the regulation of the same.

Duties of mayor.

SEC. 16. The mayor shall have no vote in the meetings of the board unless in case of a tie as chairman he gives a casting vote. He shall keep his office in some convenient part of the town to be designated by the board. He shall direct the clerk to keep a true record of all matters brought before him, all fines and penalties imposed, and perform such other duties as the board by their ordinances shall impose. Besides his fees he shall receive such a salary as the commissioners shall allow.

Annual statement of receipts, &c., to be made by secretary and treasurer.

SEC. 17. The commissioners shall annually cause the secretary and treasurer to make out a transcript of all receipts from any and all sources, and the disbursements for whatever cause, and post the same in the mayor's office for the inspection of the citizens.

Powers of mayor and constable,

SEC. 18. For the enforcement of the laws, the collection of fines, penalties or taxes, the mayor and constable shall have all the power of a court and sheriff under the laws of this state in similar cases of default.

Commissioners to co-operate with railroad commissioners.

SEC. 19. It shall be the duty of the board of commissioners to co-operate with the railroad board of commissioners of Hickory in giving them all the assistance provided for in an act of the legislature ratified February eleventh, Anno Domini one thousand eight hundred and seventy-four, and the limit fixed in this act shall not be construed to limit any other taxation by way of appropriation in the issue of town bonds and for the payment of the same with interest for internal improvement purposes.

Limit of taxation.

Streets.

SEC. 20. That the commissioners shall have power from time to time to open out any new streets within the limits

of said corporation by paying the owners through whose lands the said streets run the damages if there be any: *Provided*, that if the said commissioners and the owners *Provided*. of said land cannot agree as to the price of the same it shall be left to three disinterested persons to be selected by the parties, and if either fail upon notice to select, the other party may select two who shall select a third and assess the damages: *Provided*, that either party being dis- *Provided*. satisfied may by giving bond for the payment of cost appeal to the superior court.

SEC. 21. All laws and clauses of laws inconsistent with the provisions of this act are hereby repealed, and this act shall be in force from and after its ratification.

Read three times in general assembly and ratified the 6th day of March, A. D. 1879.

CHAPTER 53.

AN ACT TO INCORPORATE THE TOWN OF NEWTON GROVE, IN THE COUNTY OF SAMPSON.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Newton Grove, in the *Incorporated*. county of Sampson, be and the same is hereby incorporated by the name and style of the "Town of Newton *Name*. Grove," and it shall be subject to and have all the benefits of all provisions of law now existing in reference to incorporated towns not contrary to the provisions of this act.

SEC. 2. That the corporate limits of said town shall be *Corporate limits*. as follows, viz: Beginning at a sycamore tree in the edge of Bell's branch, running south thirty degrees east to a stake, then south to an apple tree, then south fifty-six degrees west to a stake, then north fifty-six degrees west to

a stake, then north five [degrees] east to a stake, then north fifty-nine degrees east to Bell branch, then down said branch to the beginning, containing about one hundred and seventy acres.

Officers.

SEC. 3. Until the regular election on the first Monday in May, one thousand eight hundred and seventy-nine, or until their successors are qualified, the government of the town shall be vested in the following named officers, viz: Mayor, W. R. Cox; commissioners, J. H. Benton, Arthur Lee, R. I. Bell, Thomas W. Underwood and Walter Lee, who are hereby empowered to appoint a town marshal to serve until the first regular election. And at said regular election a mayor, five commissioners and a marshal shall be elected according to the provisions of chapter one hundred and eleven, Battle's Revisal.

Election.

Fees of mayor, &c.

SEC. 4. That the mayor and marshal shall have the same fees as a justice of the peace and constable respectively.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1879.

CHAPTER 54.

AN ACT TO INCORPORATE THE SMITHFIELD AND CAPE FEAR NARROW GAUGE RAILROAD COMPANY.

The General Assembly of North Carolina do enact:

Corporate company authorized.

SECTION 1. That a company is authorized to be formed, and when formed and organized as hereinafter directed shall become and be a corporation bearing the name of "The Smithfield and Cape Fear Narrow Gauge Railroad Company," for the purpose of constructing and operating by steam or other motive power a railroad with one or

Name.

To construct railway.

more tracks from some point on the line of the North Route. Carolina Railroad east of Neuse river, in Johnston county, by way of Smithfield to some point on Cape Fear River, in the county of Harnett, said termini to be selected by said company, and as such shall have power to purchase, Powers, &c. receive, hold and transfer real and personal estate necessary for its incorporation, to have a common seal and succession for ninety-nine years, to make all necessary rules, regulations and by-laws conducive to the successful prosecution of the objects of the organization, and shall possess and may exercise and use all the rights, privileges and powers incident to a body corporate under the general laws of the state.

SEC. 2. The capital stock of said company shall be not Capital stock. more than three hundred thousand dollars and not less than twenty thousand dollars, divided into shares of fifty dollars each.

SEC. 3. The said company shall have the exclusive right Exclusive right to use road, &c. to use the road when constructed for the transportation of freight and the carriage of persons at such rates and for such prices as the company may deem proper, subject to such modifications as it may from time to time make.

SEC. 4. That to raise the capital stock of the company Commissioners to open books of subscription. T. F. Oliver, J. H. Abell, D. W. Fuller, John G. Gurley, Seth Waddell, B. A. Williams, Dr. L. E. Kirkman, A. J. Heath, Calvin Lassiter, Eli Turlington, John L. Morgan, B. F. Shaw, D. H. McLeary, A. J. Turlington, Daniel Stewart and Neill Stuart are appointed commissioners, who or a majority of them, shall have power to open books of subscription toward the capital stock at such time and places as they may designate, under rules, regulations and limitations to be prescribed by them.

SEC. 5. Whenever the sum of twenty thousand dollars Meeting of stock-holders. or more shall be subscribed by solvent persons the commissioners named in the preceding section, or a majority of them, shall call a meeting of such subscribers, and a majority of such subscribers in person or by proxy when

- Officers.** so met shall proceed to organize by electing from their number a president and seven directors, who shall constitute a board and possess the powers and be charged with
- Duties.** the duty of making all necessary contracts and doing whatever else may in their judgment be necessary and proper in the construction of said road and furnishing it with cars, rolling stock and other things required in operating the same, and as soon as so formed and organized the said subscribers and such others as may be associated with them shall become and be a body corporate as prescribed in the first section of this act.
- Stock, how represented and voted.** SEC. 6. At all meetings of stockholders every share of stock may be represented by one vote, to be cast by the owner thereof or by proxy duly authorized by the owner to act for him, and a majority of the stock when so represented shall have all the powers and rights and be subject to the responsibilities conferred and imposed upon the corporation, and if at any such meeting such majority shall not be present the stockholders may adjourn from time to time until such attendance of a majority can be secured.
- Rights of majority.**
- Subscriptions, how made.** SEC. 7. Subscriptions to the capital stock may be made in money or real or personal property of such kinds and value as may be agreed upon by the person subscribing and the commissioners mentioned in section four before and up to the organization and appointment of directors, and thereafter the directors so to be appointed and their successors.
- Increase of stock.** SEC. 8. The stock may be increased by a vote to that effect taken at any stockholder's meeting called to consider the proposed increase as may be provided in the by-laws.
- Power to condemn land, &c.** SEC. 9. If unable to obtain necessary lands by contract on reasonable terms the company may by proper legal proceedings caused to be condemned for its use so much of the land lying on either side of the line as the same may be laid out of the proposed track on each side, not exceeding one hundred feet and making a breadth of not exceeding two hundred feet along the route thereof, as

may necessary in the judgment of the company or the directors for the successful working of the road, and so much additional land as the company may require for the erection of depots, shops, warehouses and other buildings needed for the road and for the use of its officers, agents and employees.

SEC. 10. The company through its directors may contract with the officers of the North Carolina Railroad Company for the transportation of freight and the carriage of passengers over its road on such terms as may be agreed upon between them, or to sell or lease said road and franchises and all other property real or personal to the said North Carolina Railroad Company, or to consolidate and merge the same with and into the last named company on such conditions and limitations as may be agreed on; and in case of such transfer, sale, lease or consolidation the North Carolina Railroad Company shall succeed to all the rights, powers and privileges as well as to be subject to the liabilities conferred and imposed by the act upon the Smithfield and Cape Fear Narrow Gauge Railroad.

Authorized to lease, merge, &c.

SEC. 11. The Smithfield and Cape Fear Narrow Gauge Railroad Company may connect with any railroad in North Carolina so as to form a continuous line.

Authorized to connect with other railroad.

SEC. 12. The company may issue common stock, guaranteed stock, preferred stock, or borrow on land or mortgage and in such amounts of either as it may deem necessary to secure the construction of the road, its proper equipment and the operating the same.

Authorized to issue stock, borrow money, &c.

SEC. 13. The company shall possess, have and enjoy and may exercise all the rights, privileges and annuities conferred upon railroad corporations organized under the provisions of chapter ninety-nine of Battle's Revisal.

Powers, &c.

SEC. 14. The state reserves the right to regulate the price of fares and freights whenever in the judgment of the general assembly the public interest may demand.

Reservation of right to regulate fares, &c.

SEC. 15. That upon application of the president of the Smithfield and Cape Fear Narrow Gauge Railroad Com-

Directors of penitentiary to furnish convicts.

pany the warden or other proper authority of the state penitentiary shall turn over to said president fifty convicts who are allowed by law to be farmed to labor on said railroad, and in addition to those which may be sent from the penitentiary said president shall have the right to employ such persons as may be convicted in the counties of Johnson and Harnett and sentenced to the county jails, or who may be committed to labor for costs by the state, until the whole number shall amount to seventy-five. Said convicts are to be in charge of a superintendent to be appointed by the board of directors of the penitentiary who together with said convicts shall be subject to the control of the said railroad company; that said railroad company shall board and clothe said convicts and pay all expenses of employing the superintendent and such guard as may be required and all doctors' bills.

Value of convict labor to be first lien, &c.

SEC. 16. That the said company shall appoint a person to represent the company, and the governor shall appoint a suitable person to represent the state, and the two persons thus selected shall make an equitable and just estimate of all the labor performed by such convicts, and the net value of the labor so ascertained shall be a first lien upon all the property and franchises of the said company.

When sec. 16 to be of no effect.

SEC. 17. That section sixteen of this act shall not be of any effect unless at least six hundred convicts are left to work on the Western North Carolina Railroad.

SEC. 18. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1879.

CHAPTER 55.

AN ACT TO INCORPORATE THE PIEDMONT MINING AND
BANKING COMPANY OF NORTH CAROLINA

The General Assembly of North Carolina do enact :

SECTION 1. That James L. Hathaway, Henry D. Ca- Body politic.
pers, R. J. Landsing, R. B. Knapp, Franklin Coit, L. B.
Smith, John B. Wortz, Wm. B. Euniss, Cornelius Van-
water, James L. Furuson, Wm. Worth Capers, Robert
Gould, Wm. H. Vanderbilt and such other persons as
may be associated with them under the provisions of this
act, be and the same are hereby made a body corporate
under the name and style of the Piedmont Mining and Name.
Banking Company of North Carolina, and by said name
shall have the right to sue and be sued, to plead and be Powers.
impleaded, to purchase and hold real estate and grant the
same, to have and to use a common seal, and to do such
other things and perform such other acts as appertain to
bodies corporate and politic not inconsistent with the con-
stitution and laws of this state.

SEC. 2. The principal place of business for said com- Place of business.
pany shall be at High Point, in said state, but said com-
pany shall have the right to establish branch offices or
places of business at such other places as may be deemed
advisable.

SEC. 3. The capital stock of said company shall be Capital stock.
five hundred thousand dollars, divided into shares the
value of one hundred dollars, or such other sum as the
board of directors of said company may determine: *Pro-*
vided, said shares shall not be less in value each than five Value of shares.
dollars, and said company shall not be authorized to go
into operation under the terms of this act until the sum
of fifty thousand dollars shall be subscribed and paid into When company
authorized to be-
gin operations.
the capital [stock] of said company. That when said
sum of fifty thousand dollars shall have been subscribed

Meeting of stockholders.
Officers.

and paid into said capital stock the said corporators or any number of them shall give notice by publication in one or more of the newspapers of said state calling for a meeting of said subscribers on thirty days thereafter for the purpose of electing a president, a secretary and treasurer and a board of directors to be composed of five members of said subscribers of stock, of which number the president shall be one.

Objects of corporation.

SEC. 4. The object and principal business of said company is to mine for gold, silver, copper or other metals in said state, but the said company shall [have] the right to deal in foreign and domestic exchange, to receive deposits of money, bullion or other representatives of values.

Individual liability of stockholders.

SEC. 5. That the stockholders of said company shall be individually liable to the full amount of the value of the stock held by them.

Limitation of charter.

SEC. 6. That this charter shall cease and determine in fifty years from the date of its approval, or in five years thereafter: *Provided*, the said organization as herein provided for is not perfected within said five years.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1879.

CHAPTER 56.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF MONROE, IN THE COUNTY OF UNION.

The General Assembly of North Carolina do enact :

Corporate limits extended.

SECTION 1. That the corporate limits of the town of Monroe, in the county of Union, be and the same are hereby enlarged [and] extended as follows, to-wit: Be-

ginning at a stake in the line of the present incorporation Boundaries.
 near John D. Stewart's brick yard, and running in a
 westerly direction to a stake on the branch known as the
 • "Still House Branch," thence down the various courses of
 said [branch] to its mouth where it empties into "Bear
 Skin Creek," thence down the various courses of said creek
 to the line of the present incorporation.

SEC. 2. That the same laws, rules and regulations heretofore made for the government of the present incorporation shall apply to the enlarged and extended incorporation, and the same powers of taxation heretofore conferred upon the present incorporation and now exercised by said corporation shall also apply to the enlarged and extended corporation. Added territory to be under same laws, &c.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1879.

CHAPTER 57.

AN ACT TO AMEND THE CHARTER OF THE BINGHAM SCHOOL.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter three, section one, acts of one thousand eight hundred and sixty-four and one thousand eight hundred and sixty-five, line eight, after the word "academy," read as follows: That this corporation shall have power to confer such degrees and marks of honor as are usually conferred by literary institutions. Authorized to confer degrees, &c.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 58.

AN ACT TO AMEND CHAPTER EIGHTY-SEVEN, PRIVATE
LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY
AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-
ONE.

The General Assembly of North Carolina do enact :

Chap. 87, private
acts 1870-'71,
amended.

SECTION 1. That chapter eighty-seven, private laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one entitled "An Act Concerning Rock Spring Camp Ground, State of North Carolina, and to incorporate a Board of Trustees thereof" be amended as follows :

Intendant of
police.

SEC. 2. That the said trustees may also elect an intendant of police.

Term of office.

SEC. 3. That said intendant of police shall hold his office for one year, or until his successor is appointed.

Misdemeanor to
exhibit one's self
drunk, &c.

SEC. 4. That it shall be a misdemeanor for any one to exhibit himself drunk in the limits of this incorporation, while the camp ground is being occupied for worship, as stated in section nine. And any one violating this section shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor to
use loud and pro-
fane language, &c.

SEC. 5. That it shall be a misdemeanor for any one to use loud and profane language or loud and indecent language or quarrel in a loud and angry manner in the hearing of those assembled in the limits of this incorporation for worship, whether divine service is going on or not at the time, and for every such offence on conviction the offender shall be fined not more than fifty [dollars]

Divers offences de-
clared misdemea-
nors.

or imprisoned not more than thirty days. That it shall be a misdemeanor for any one to fire off a gun or pistol in the limits of the incorporation while occupied for worship; or to sell or buy any intoxicating liquors in the limits of the incorporation while occupied for worship;

or wilfully to throw any rock, stick, clod, chunk or other missile of any kind against, in or upon any tent in the limits of the incorporation while the ground is being occupied for worship, or to make any loud noises under the arbor where divine worship is usually held, whether divine service is going on or not, or to upset any wagon, vehicle or tent, or destroy, injure or pull down the same in the limits of this incorporation, or to destroy any harness, saddle or bridle, or wilfully injure the same, or to throw any rock, chunk or other missile on the arbor where divine service is usually held, or to wilfully injure or render impure any spring in the limits of the incorporation, or to bring any lewd women, knowing them to be such, in the limits of the incorporation, or to utter loud and unusual noises in the night time in the limits of this incorporation whereby those who are occupying the ground for worship are disturbed, or any part of them: *Provided*, that these offences described in this section be committed while the camp ground is occupied for worship. And for every offence the offender shall upon conviction be fined not more than fifty dollars or imprisoned not more than thirty days. Proviso.

SEC. 6. That the Trustees of the Rock Spring Camp Ground and their successors shall have full and ample power to appoint special police and to prescribe rules and regulations for their government and remuneration not inconsistent with the constitution and laws of the state. Special police.

SEC. 7. That the Trustees of the Rock Spring Camp Ground and their successors in office may enact all ordinances necessary for the good government and protection of the camp ground and people there assembled while occupied for worship, and for the protection of their property which they may have with them and enforce the same: *Provided*, said ordinances are not inconsistent with the constitution and laws of the State. That the special police shall have power to keep the peace and to execute all process to them directed by any justice of the peace Ordinances. Proviso.

in the limits of this incorporation while occupied for divine worship.

Misdemeanor to wilfully injure tent, &c.

SEC. 8. That it shall be a misdemeanor to wilfully destroy, injure, deface or pull down any tent on the said Rock Spring Camp Ground, or to destroy, injure, deface or pull down the arbor or any outhouse, shed or other appurtenances to a tent, whether the said camp ground is then being occupied for worship or not, and any one violating this act shall be fined not more than fifty dollars or imprisoned not less than thirty days.

When camp ground considered occupied for worship.

SEC. 9. The camp ground shall be considered as occupied for worship from the arrival of the first wagon to the departure of the last at any encampment.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 59.

AN ACT TO INCORPORATE THE RALEIGH TABERNACLE OF THE GENERAL GRAND ACCEPTED ORDER OF BROTHERS AND SISTERS OF LOVE AND CHARITY.

The General Assembly of North Carolina do enact :

Body politic.

Name.

Objects.

SECTION 1. That Nancy Walden, Maria Wynne, Gabriel Allen, Jane Jones, Fanny Mitchell, James H. Jones, Chainy Andrews, Albert Jones, Joel Evans, W. H. Hester and James H. Harris, their associates and successors, are hereby incorporated by the name and style of "the Raleigh Tabernacle of the General Grand Accepted Order of Brothers and Sisters of Love and Charity of North Carolina," for the purpose of reviving and carrying forward the benevolence in such a complete and effectual manner that all the members of the order may receive

and enjoy its healing influences; to secure relief for the sick and distressed; to provide for the widows and the fatherless in their afflictions; to bury the dead and elevate the living; and generally by love spread the true principles of charity and to inculcate in the hearts of members unity, friendship and love.

SEC. 2. That said order shall have the right to acquire Powers, &c. and hold property to the amount of five thousand dollars in value, may have a common seal, sue and be sued, may pass all necessary by-laws for the government of the order, and shall have the right and authority to establish subordinate lodges of the order throughout this state; and each subordinate lodge established shall have all the powers herein conferred, subject to the control [of the] tabernacle at Raleigh.

SEC. 3. This act shall be in force from its ratification.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 60.

AN ACT TO INCORPORATE THE TOWN OF MATHEWS, IN THE COUNTY OF MECKLENBURG.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Mathews, in the county Incorporated. of Mecklenburg, is hereby created a corporate body with all the rights, privileges and franchises, and subject to all Powers. the provisions contained in chapter one hundred and eleven of Battle's Revisal, except as may be hereinafter modified.

SEC. 2. That the officers of said incorporation shall Officers. consist of a mayor, four commissioners and marshal, and shall be W. T. Carpenter, mayor, Dr. J. Bruner, J. T. Barrett, E. J. Funderburk, G. W. Barnes and J. S. Reid,

commissioners, and T. M. Chambers, constable, who shall hold their offices until their successors are duly elected at their next regular municipal election for the towns of this state and qualified.

Boundaries.

SEC. 3. The limits and boundaries of said town shall be three-fourths of a mile square, taking the depot house of the Carolina Central Railroad as the centre.

Powers of taxation.

SEC. 4. That said commissioners shall have the power to levy a tax not to exceed sixteen and two-third cents on the one hundred dollars' valuation of property, and fifty cents on the poll, and shall have the power to levy a tax upon all subjects of state taxation within the corporate limits not to exceed one-half of the state tax, and shall

Abatement of nuisances.

have power to tax dogs and abate all nuisances and may impose such fines or imprisonment as may be necessary therefor, not exceeding fifty dollars fine or thirty days imprisonment.

Money raised from taxation, &c., how expended.

SEC. 5. It shall be the duty of the commissioners to expend the money so collected upon the improvement of the streets and for other purposes for the benefit of said town, and all persons residing in said limits may be exempted by said commissioners from working the public roads.

Secretary and treasurer.

SEC. 6. Said commissioners shall have the power to elect a suitable person for secretary and treasurer of the board, who shall give bond in such sum as said commissioners shall require.

Jurisdiction of mayor.

SEC. 7. The mayor of said town shall have all the jurisdiction of a justice of the peace within its corporate limits, and the marshal shall have all the power and privileges, and be entitled to such fees as constables now are.

Marshal.

SEC. 8. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1879.

CHAPTER 61.

AN ACT TO AMEND CHAPTER FORTY-NINE, LAWS OF ONE
THOUSAND EIGHT HUNDRED AND SEVENTY-SIX AND ONE
THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact :

SECTION 1. That the word "May" in line four, section four, be stricken out, and insert in lieu thereof the word "April," and in line five of said section strike out the words "for the perid of two years, Reddie's river in Wilkes county and Elk creek in Watauga county, south fork of Catawba in Lincoln and Gaston counties, north fork of Catawba. and Buck creek, McDowell county: *Provided,* that this act shall not prevent persons fishing in said Yadkin river below Huntsville."

Chap. 49, sec. 4,
private acts 1876-
77, amended.

Provido.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1879.

CHAPTER 62.

AN ACT TO INCORPORATE THE TOWN OF LOWELL, IN THE
COUNTY OF GASTON.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Lowell in the county of Gaston be and the same is hereby incorporated by the name and style of the town of Lowell, and it shall be subject to all the provisions of law now existing in reference to incorporated towns not contrary to the provisions of this act.

SEC. 2. That the corporate limits of said town shall be

Corporate limits.

and extend one half mile in all directions from the present passenger and freight depot of the Atlanta and Charlotte Air-Line Railway, known as Lowell, and shall include all the lands within said limits.

Officers. SEC. 3. That the officers of said corporation shall consist of a mayor and four commissioners and such other officers as are necessary, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and seventy-nine, or until their successors are elected, viz: Mayor, Caleb J. Lineberger; commissioners, W. C. Mason, Andy B. Jenkins, R. A. Graves and E. Veorge.

Election. SEC. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and seventy-nine, and every succeeding year thereafter, under the same restrictions that county and state elections are held, and all citizens within said corporation who have resided twelve months within the state and ninety days within the corporation limits previous to the day of election shall be entitled to vote at said election.

By-laws, &c. SEC. 5. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the state and the United States. They shall have no right to levy or collect any incorporation tax or taxes, but shall have power to impose fines for the violation of town ordinances, and to collect the same.

Commissioners unauthorized to levy taxes.

Fines.

Violation of town ordinance. SEC. 6. That any person violating any ordinance of said town shall be deemed guilty of a misdemeanor, but the punishment therefor shall not exceed a fine of fifty dollars or imprisonment for thirty days, or both.

Penalty.

Jurisdiction of mayor.

SEC. 7. That the mayor of said town of Lowell shall have jurisdiction to hear and determine said offence without requiring a complaint on oath in writing from the party injured, but may exercise said jurisdiction on the

complaint of any other person or when the offence committed is in his own knowledge.

SEC. 8. That the mayor of said town shall have power to commit any person or persons convicted for violation of any ordinance of said town to the calaboose or some other place of confinement until the fine and costs are paid; and such persons can only be released as provided by law in other cases. Imprisonment for non-payment of fine, &c.

SEC. 9. That the mayor and marshal shall have the same fees as are provided by law for a justice of the peace and constable respectively. Fees of mayor and marshal.

SEC. 10. That it shall be unlawful for any person to sell or dispose of any spirituous liquors or intoxicating liquors within one and a half miles of the outer limits of said town, and any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days, or both, at the discretion of the court, and no county or other board shall issue any license or grant any power to sell or manufacture liquor or intoxicating beverages within the limits named in this act. Sale of liquor. Misdemeanor.

SEC. 11. This act shall be in force from and after its ratification.

Ratified the 10th day of February, A. D. 1879.

CHAPTER 63.

AN ACT TO INCORPORATE THE LAWRENCE MANUFACTURING COMPANY IN GASTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Caleb J. Lineberger, John N. Torrence, Louis Lineberger, Thomas H. Wilson, John M. Lineberger and George A. Gray, of Gaston county, their Body politic.

Name.

Powers, &c.

associates, successors and assigns, be and the same are hereby created a body politic and corporate in law and in fact for the uses, purposes and intents of this act, under the name and style of the Lawrence Manufacturing Company, and under that name and style may sue and be sued, plead and be impleaded in any court of record, contract and be contracted with, adopt, make and use a common seal, have perpetual succession, take, own and possess by gift, grant, devise, settlement, purchase or by any and all other lawful methods acquire and possess lands in such sized tracts, greater or less, as may be desired for the purposes of the corporation, and also personal property, rights, franchises and choses in action, and retain any or all the same, construct dams, canals, locks, mills and buildings for [the] manufacture of any goods or fabrics; also for sawing, planing, or otherwise working in timber or stone or other thing, and place machinery therein, and operate the same in the county of Gaston, North Carolina, either by steam or water power or both as said corporation may desire; also to erect such other buildings and conveniences as it may desire for the carrying on of its enterprise or enterprises, or the uses, convenience or habitation of its employees or others.

Powers, &c.

SEC. 2. Said corporation hereby has power and right to manufacture fabrics of any kind, cloths, prints, goods and wares, and merchandise of any and every sort and kind out of and from cotton, wool, jute, hemp, flax, leather, or any other material whatever, to carry on tanning and currying, to grind grain, gin cotton, to manufacture agricultural and mechanical tools and implements, wagons, furniture and any and all other things whatever they see fit out of iron, wood or other material or thing, or the combination of any or all other material or thing; and to buy and sell and deal in any or all of the matters and things herein mentioned, alluded to or intended, said manufacturing and dealing to be carried on at such place or places in Gaston county as said corporation may desire.

SEC. 3. This corporation to exist and be in full force and effect, with each and all the powers, rights and privileges herein and hereby granted, for and during the full term of ninety-nine (99) years from and after the passage of this act.

SEC. 4. The persons named in this act or their legal representatives may each receive subscriptions to the capital stock of this corporation, or appoint some person or persons so to do, in writing, and the person or persons receiving such subscription may give certificates of subscription, and also give receipts for payments upon subscriptions; but no certificate of stock in said corporation shall be issued until after the organization of this corporation and the election of its board of directors and president, and the said president and said board of directors shall, as soon as possible, issue shares of stock to subscribers upon payment therefor, and to those who may hold receipts for payment upon subscription to stock in said corporation.

Subscriptions to capital stock.

Certificates of stock, when issued.

SEC. 5. Within ninety days after the passage of this act any three of the corporators of this corporation may call a general meeting of the stockholders at the present office of the Woodlawn cotton mills in Gaston county, and proceed to elect five (5) directors, and at such meeting a majority of the votes present shall be requisite to elect such directors, and also a majority of the stock then subscribed shall be represented and present in said meeting. The directors thus chosen at said meeting shall from among them the so chosen directors choose one of their own number president of this corporation, and annually thereafter the stockholders of this corporation shall meet at the office of this corporation in said Gaston county for the purpose of electing five (5) directors of and for this corporation, which directors chosen by a majority of the votes present shall, as pointed out in this section, annually choose one of their number president of this corporation. The directors having chosen their president, he and the other directors shall constitute and be the board

Meeting of stockholders.

Directors.

President.

- Term of office.** of directors for said corporation at all times, and the said president and board of directors shall hold their offices for one year and until their successors are duly elected and qualified. A majority of the board of directors hereby have power and authority to transact all
- Duties of board of directors.** business. The said board of directors shall appoint all other agents and officers they deem proper to carry on the affairs of this corporation, and said directors shall make such rules and regulations or by-laws as may to them seem proper for the government, control, management and carrying on of the affairs and business of this corporation, and said board shall manage the business of said corporation for and during the said term and until their successors are lawfully elected and qualified, and in case of absence of the president shall appoint one of their number president *pro tempore*.
- Capital stock.** SEC. 6. The capital stock of this corporation shall be seventy-five thousand dollars, divided into seven hundred and fifty shares of one hundred dollars each share. Each share of said stock to draw such dividend or bear such rate of interest as the directors may from time to time determine, and said directors may increase the capital stock of this corporation if they desire to the amount of one million dollars, or retire or decrease the same; the owners of stock in this corporation shall to all intents and purposes be members of this corporation to the extent of the par value of each share of stock he may own therein.
- Books of subscription.** SEC. 7. That for the purpose of raising the capital stock of this corporation books of subscription may be opened at such times and places as the persons named herein or their legal representatives see fit or may direct, and as soon as twenty-five thousand dollars (\$25,000) of said capital stock shall be subscribed this corporation shall go into operation and elect its directors, and the directors its president as pointed out in section five hereof.
- Stock to be held as personal estate.** SEC. 8. The stock of this corporation shall be owned,

held and deemed in law and equity as personal estate, and shall be transferred in such way and manner as the board of directors shall from time to time direct.

SEC. 9. Subscriptions to the capital stock of this corporation may in the discretion of the board of directors, if so ordered at any stockholders' meeting, be payable and paid in real or personal estate, water powers, rights, franchises and privileges, secured notes, material, merchandise, labor, or any other form of property, or choses in action, or in the capital stock, realty, personalty, rights, franchises and privileges, or any part thereof of any other corporation of like nature operating in Gaston county, North Carolina, hitherto chartered in this state; and the board of directors of this corporation may do any of the things herein stated or referred to, and receive said and such payments in such way and in such portions and on such terms, conditions and proportions as the said directors and subscribers may agree upon.

Subscriptions,
how payable.

SEC. 10. The board of directors have power hereby to make such rules, regulations and by-laws concerning stock, certificates of stock, the transfer, negotiation, dealing in, hypothecation, payment of the same, and all manner of matters and things touching the stock and all other property, real or personal, or rights or franchises of said corporation, also concerning the payment and declaring of dividends or other source or method of profit or earning as may to them seem proper, and they may from time to time declare dividends.

Powers of board
of directors.

SEC. 11. The dividends upon shares of stock in this corporation may at the option or discretion of the board of directors be payable and paid in scrip dividend certificates to be issued under the order of said board.

Dividends, how
payable.

SEC. 12. Each holder of stock in this corporation shall only be liable, and so held liable for, for the contracts and indebtedness of this corporation to the amount of the par value of the capital stock of this corporation owned by him or them individually.

Liability of stock-
holders.

Assignment of stock.

SEC. 13. Whenever any stockholder or stockholders in this corporation shall sell or assign his or their share or shares of stock in this corporation he or they shall cease to be members of and stockholders in this corporation, and the purchasers or assigns of said stock shall be entitled to all the rights and privileges, and be subject to all the liabilities of the former owners of said stock.

Authority to borrow money, build railroad, &c.

SEC. 14. This corporation may borrow money on such terms as its directors may determine upon, and they may issue bonds or other evidences of indebtedness. It may build, equip with rolling and other stock, and operate a rail, tram, turnpike or other road, connecting its factories, works, buildings and premises with other roads of any and all kinds, and to that end may build bridges or culverts across streams or depressions; and to further each and all these ends this corporation hereby has all the powers conferred on railroads and other companies by chapter sixty-two Battle's Revisal, entitled internal improvements.

Powers.

Record of proceedings, &c., to be kept.

SEC. 15. This corporation shall keep in proper books a full and true record of all its proceedings, and also of the proceedings, transactions and business of its board of directors, and shall also keep books of account, any and all which proceedings, records and books shall be produced in any court of record in this state when required by said court.

Special meetings of stockholders.

SEC. 16. The president may call a meeting of the stockholders whenever in his judgment the business of this corporation may require it. In all meetings of the stockholders each stockholder in person or by proxy shall be entitled to one vote for each share of stock owned by him, and may vote in person or by proxy in such manner as the directors in their by-laws may prescribe. All proxies shall be in writing, and shall set forth by the number thereof the share or shares represented in and by said proxy. In all meetings where a majority of the stock is represented any and all general as well as

special business may be transacted. The directors shall fix the day and hour for the holding of the annual meetings.

SEC. 17. This corporation through its board of directors ^{contracts, &c.} may make contracts, become bound by instruments, security, or agreement in writing, signed by the president or other person duly authorized by him, and the said board may authorize the president in general terms at any time to bind this corporation or make any contract, agreement, instrument or stipulation touching its affairs without specially meeting for such purpose. But the legal estate and title in the lands, tenements and hereditaments owned or claimed by said corporation shall pass to the purchaser, mortgagee, trustee or other contracting party to whom any transfer, interest or instrument or conveyance, lease or writing may be made shall only be made under the signature of the president and the corporate seal of said corporation: *Provided*, that no mort- ^{Proviso.} gage or alienation of the property or franchises of the corporation shall be made without the consent of the stockholders.

SEC. 18. This corporation may buy, sell, lease, mort- ^{Powers, &c.} gage or otherwise convey any real or personal estate, rights or privileges, easement or franchise herein conferred on this corporation, to any person or persons, firm or corporation. This corporation has the right to receive money, rights, credits, choses in action, trusts, real estate, franchises, personal property, and any and every kind of property or thing whatever; to discount any sum of money, notes, bills and credits, and to receive any such thing on deposit or for storage, and if so requested shall issue receipts or certificates of deposit therefor, and it may receive a reasonable charge for services, and sell property and things in its possession to defray such charge and costs, and may invest the property, funds and assets of the corporation in such securities, or such other way and manner [as] the board of directors may deem safe and prof-

itable. It may deal in gold or silver coin or bullion, or other mineral product, crude ore or manufactured; may discount commercial paper, and may receive interest on any discount of any kind of bill or paper in advance; it may carry on the business of general merchandise, and buy and sell and exchange all manner of goods, wares and merchandise and products: *Provided, however,* that nothing in this section or in this act shall operate or be construed to permit said corporation to emit bills of credit payable on demand, or to circulate or issue any paper as money.

Proviso.

Legal process.

SEC. 19. Any legal process against or concerning this corporation may be served on the president, and in case he is not in the state, or avoids service, or is sick, the service of the same on any of the directors shall be lawful and sufficient.

SEC. 20. This act shall be in force from and after its ratification.

Ratified 12th day of March, A. D. 1879.

CHAPTER 64.

AN ACT TO INCORPORATE THE FARMER'S BANK AT MILTON, CASWELL COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

ody politic.

SECTION 1. That I. Trion, S. B. Holder, Wilkins Bruce, N. T. Riggs, J. R. Winston, W. M. Watkins, J. W. Cunningham, John W. Lewis, J. M. Smith, Joel Walters, T. E. Cobb, Sydney Lee, Eustace Hunt, John Lee, W. M. Long, C. S. Winstead, George Williamson, John B. Smith, Giles Mebane, R. H. Hesler, John L. Irvine, Thos. Donoho, W. F. Smith and Jas. S. Cobbs, together with such other persons as they may hereafter associate with

them, and their successors shall be and they are hereby constituted and made a body politic and corporate by the name and style of the Farmer's Bank of Milton, North Carolina, the capital stock of which shall not be less than five thousand dollars nor more than two hundred thousand dollars, in shares of one hundred dollars each.

Name.

Capital stock.

SEC. 2. That so soon as the sum of five thousand dollars shall be subscribed to the capital stock of said bank, ten per centum whereof shall be paid at the time of organization, to a committee to be appointed by the corporators, the persons named in this act of incorporation, or a majority of them, shall call a meeting of the subscribers by giving ten days' notice by publication in the *Milton Chronicle*, a newspaper published in the town of Milton, Caswell county, North Carolina, at which meeting the subscribers may elect seven directors, and adopt such by-laws and regulations as they may deem necessary for the proper management and conduct of the affairs of said corporation. The directors so elected shall constitute the first "Board of Directors," and continue in office for one year and until their successors in office shall be elected. They shall fix and determine the time and manner in which the balance due by the subscribers for the capital stock shall be paid.

Meeting of stockholders.

Board of directors

SEC. 3. No stockholder shall be eligible to election as a director, who shall not at the time be the absolute owner in his own name and right of at least five shares of the capital stock. The annual meeting of the stockholders shall be provided for in the by-laws.

Who eligible for directors.

SEC. 4. The number of directors shall be seven.

Number of directors.

SEC. 5. At every annual meeting directors shall be elected, any one of whom or all [may] be removed by the members in general meeting, but unless so removed shall continue in office until their successors shall be elected.

Term of office.

Removal.

SEC. 6. The directors shall appoint one of their body president and fix his compensation, and fill any vacancy.

President:

Vacancy.

Subordinate officers.	cancy in the board unless it be by removal, in which case the members shall fill the same in general meeting. The board shall appoint, to hold during its pleasure, the subordinate officers and agents, prescribe their compensation and take from them such bonds with such surety as it may deem fit.
Deposits.	SEC. 7. The board may receive on deposit and grant certificates therefor, but no such certificate shall be for less than one dollar. It may prescribe such regulations and terms for increase of the capital stock of said bank as they deem best, and if any stockholder shall at any time fail to pay any requisition made upon him by said board for the payment of any part of his subscription, the payment of the same may be enforced as provided for by law.
Increase of capital stock.	
Failure of stockholders to pay assessment.	
Power, &c.	SEC. 8. The bank may conduct a general banking business, receive money on deposit, negotiate loans, buy and sell bullion, coin, bank notes, foreign and domestic bills of exchange, stock, bonds and other evidences of debt; loan money upon real and personal security upon such time, in such amounts (not to exceed one-fifth of its capital stock to any one person or firm) to such persons as it may deem best and receive the interest in advance, guarantee the payment of notes, bonds, bills of exchange and other evidences of debt, and receive compensation for such guarantee, and exercise all such incidental powers as [may] be necessary to carry on its business. That each stockholder shall be responsible to depositors and creditors of the bank to the amount of his stock.
Location. Authority to own or hold real estate.	SEC. 9. The said bank shall be located in the town of Milton, in the county of Caswell, and have the right to own real estate sufficient for a banking house for the transaction of its business, and shall also have the right to hold and enjoy until it is advantageous to dispose of the same real estate when acquired to secure the payment or satisfaction of any debt due or to become due to said bank.

SEC. 10. Every stockholder shall be entitled to one vote Stock, how voted. for each share of the capital stock of said bank standing in his or her name.

SEC. 11. This act shall be in force from its ratification.
Ratified the 10th day of March, A. D. 1879.

CHAPTER 65.

AN ACT TO INCORPORATE OAK CITY LODGE OF KNIGHTS OF HONOR, NUMBER FOUR HUNDRED AND NINETEEN.

The General Assembly of North Carolina do enact:

SECTION 1. That J. W. Lee, T. H. Pritchard, Samuel Body politic. Merrill, Eugene Harrell, C. A. Sherwood, O. F. Curtis, John S. Pescud, A. S. Lee, J. C. R. Little, Geo. N. Waitt, S. J. Freeman, B. C. Manly, and their associates and successors, are hereby created and constituted a body corporate under the name and style of the Oak City Lodge of the Name. Knights of Honor, [number] four hundred and nineteen, and by such name may sue and be sued, and contract and be contracted with.

SEC. 2. That said corporation may pass all such by- Powers, &c' laws, not inconsistent with the laws of North Carolina, as may be necessary for their government. May purchase, lease, hold and convey all such real estate as is necessary for the carrying out the objects and purposes of the Knights of Honor and for which they are incorporated.

SEC. 3. That this act shall take effect from its ratification.

Ratified the 10th day of March, A. D. 1879.

CHAPTER 66.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FAYETTEVILLE, TO APPOINT A COMMITTEE OF FINANCE FOR SAID TOWN.

The General Assembly of North Carolina do enact :

Committee of
finance.

Term of office.

Vacancy.

Oath.

Chairman.

Meetings.

No ordinance con-
cerning revenue,
&c., valid until
approved by com-
mittee.

Record to be kept.

Taxes, how levied
and appropriated.

SECTION 1. That John D. Williams, A. A. McKeathan, Jr., R. M. Orrell, Joseph B. Starr, Charles Haigh, N. W. Ray and W. A. Guthrie are hereby appointed and constituted "The Committee of Finance for the town of Fayetteville," whose term of office as such shall commence upon the ratification of th's act and continue for ten years and until their successors are chosen, appointed and qualified, and any vacancy occurring in said committee from any cause shall be filled by a majority of the committee, and before entering upon the duties of said appointment they shall take an oath to faithfully and honestly perform the duties and powers vested in said committee. The said committee shall appoint one of their number chairman, who shall preside, and in his absence a chairman *pro tem.* may be appointed. They may appoint regular terms for their meeting, and shall meet at any time upon the call of any three members thereof.

SEC. 2. No law, regulation or ordinance of the mayor and commissioners of Fayetteville requiring the raising of revenue or incurring any extraordinary expense of any sort, nor any assessment and levy of taxes by said mayor and commissioners shall be valid or of binding force till approved by the committee of finance, and it shall be the duty of the town clerk to keep a separate record of all the acts, doings and resolutions of said committee.

SEC. 3. In making the annual assessment and levy for taxes, the amount or rate per cent. levied for current municipal expenses shall be specified, and shall not

Exceed two thousand dollars per annum of property tax, and also the rate per cent. levied for paying the bonded municipal debt and interest, and it shall be the duty of the town treasurer to keep said funds separate, and no warrant, order or scrip shall be paid out of the fund provided for paying the funded debt and interest, except by authority and consent of the finance committee, nor shall any ordinary expenditure be made from the fund for current expenses without the consent of the said committee: *Provided*, that any expenditure of more than one hundred dollars shall be considered extraordinary within the meaning of this act. Proviso.

SEC. 4. The committee of finance may appoint a sinking fund committee. They are authorized to compromise and adjust and settle the valid outstanding bonds and debt of said town on such terms as may be agreed upon by them and the creditors and bondholders of the town, and may provide new bonds of the denomination of twenty-five dollars, fifty dollars, one hundred, and five hundred dollars, to be due in twenty years from the date thereof, bearing interest of not more than six per cent. per annum, payable annually with coupons therefor attached, to be signed by the mayor, approved by the chairman of the finance committee, and countersigned by the town treasurer, and the provisions of the act authorizing the original issue of what is known as the Western Railroad bonds and the act amendatory thereof, ratified March twenty-second, one thousand eight hundred and seventy-five, are hereby re-enacted and made applicable to the bonds authorized to be issued by this act: *Provided*, that in settling and compromising the said debt and bonds, as contemplated by this act, the new bonds herein provided for shall be given in exchange and full settlement for the valid outstanding bonds at a rate not greater than one dollar of the new bonds for two dollars of the old: *Provided further*, that the said corporation is hereby authorized at any time to use any sinking fund that may Sinking fund committee.
Adjustment of outstanding town debt.
Proviso.

have accumulated to the liquidation of said bonds, and for that purpose the said mayor and commissioners, with the consent of the said finance committee, are hereby authorized to purchase in any of said bonds or to make a call for such a per cent. upon the whole as the sinking fund will justify.

License tax.

SEC. 5. In addition to the power and authority herein granted to the authorities of said town in regard to taxation, the mayor and commissioners shall also have power and authority to impose a license tax upon all persons carrying on such business or doing such acts as are or may be subject to taxation by the state, as prescribed in the revenue law of the state, known as schedule B: *Provided*, that no tax imposed by said mayor and commissioners shall exceed the state and county tax in like cases.

Rate of taxation.

SEC. 6. The mayor and commissioners and committee of finance shall not levy taxes in any one year at a greater rate than one per cent.

Failure to list.

SEC. 7. That all persons and corporations who willfully neglect or refuse to list their taxes as may be required by law and by the ordinances of said town shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not more than fifty dollars or imprisonment of not more than twenty days in the discretion of the mayor, who is hereby authorized and empowered to hear and determine such cases, subject to the right of appeal to the superior court.

Misdemeanor.

Assignment of town scrip.

SEC. 8. The mayor and commissioners may provide that no warrant, scrip, or order upon the treasurer of said town shall be transferred or assigned by the payee thereof until all taxes are paid, and endorsed thereupon the words "not transferable until all taxes are paid," and then the treasurer shall not be authorized or required to pay the same except upon the written statement of the tax collector that the payee therein named owes no taxes.

Jurisdiction of mayor.

SEC. 9. The mayor shall have jurisdiction to hear and determine all violation of ordinance of the said town, and all

violation of the sanitary and police rules and regulations that have been or may hereafter be duly established, and to that end may cause the town marshal to arrest such persons as may violate the same, upon the complaint of said marshal either written or verbal, or upon the written complaint of any other person, and in all offences against the laws of the state the mayor shall have the same jurisdiction and power that justices of the peace would have in similar cases.

SEC. 10. The mayor and commissioners and the com- Tax collector.
mittee of finance shall annually appoint a tax collector
who shall give bond in the sum [of] not less than ten Bond.
thousand dollars, conditioned as heretofore required, and
who shall proceed to collect the taxes as contained in the Collection of taxes.
tax list furnished by the mayor and commissioners in the
same manner and with like powers and restrictions in
regard to collection, levy, sale and settlement as are pro-
vided for sheriffs in the revenue laws of the state, except
that sales for taxes may be made at the market-house, and
in cases where no person will bid the amount of taxes
and charges the tax collector shall bid off the property for
the mayor [and] commissioners of Fayetteville and make
a deed accordingly. And if the delinquent fail to redeem
as provided in the state revenue law, then the said mayor
and commissioners are hereby authorized to hold such
property and recover possession thereof, and make sale
and disposal thereof on such terms as may be for the best
interest of said town.

SEC. 11. The tax collector shall not retain in his hands Penalty for reten-
tion of taxes by
tax collector.
over three hundred dollars of the tax collected for a lon-
ger time than three days, under a penalty of ten per
centum per month upon all sums so retained, for which
he and his sureties on his bond shall be liable, and he
shall make full settlement of the tax list placed in his Settlement of
taxes.
hands on or before the first Monday in April in each
year.

SEC. 12. If any officer of said town shall buy or be in Officer dealing in
town scrip.

Misdemeanor.

any way interested in the purchase of warrants, scrip, coupon or order of the said town on the treasurer to an amount greater than the amount of taxes due by such officers at a less price than its full and true value, or any rate of discount thereon, he shall be guilty of a misdemeanor, and upon conviction thereof he shall be removed from office and be fined not exceeding one hundred dollars for each offence, or be imprisoned not exceeding forty days; and no officer of said town purchasing such warrants, scrip, coupon or orders upon the treasurer at a discount shall be entitled to receive or draw therefor more than what he actually paid for the same.

SEC. 13. This act shall be in force from and after its ratification.

Ratified the 10th day of March, A. D. 1879.

CHAPTER 67.

AN ACT TO CONSOLIDATE AND REVISE THE CHARTER OF THE TOWN OF WINSTON AND THE AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

Incorporated.

SECTION 1. That the inhabitants of the town of Winston shall be and continue, as they heretofore have been, a body politic and corporate, and in the name of the Board of Commissioners of Winston shall have a right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase and to hold and convey real or personal property.

Name.

Corporate boundaries.

SEC. 2. That the corporate boundaries of the town of Winston be extended as follows, to-wit: Beginning at the north-east corner of the corporate boundaries of the town of Salem and south-east corner of the town of Winston, thence running north eighty degrees east eighty poles,

thence north parallel with the Winston line three hundred and forty-five poles, thence west one and one-half miles or four hundred and eighty poles, thence south parallel with the western boundary of Winston three hundred and forty-five poles, more or less, to a point south eighty degrees west of the north-west corner of the town of Salem, thence north eighty degrees east eighty poles to said north-west corner of Salem; thence north eighty degrees east along the boundary line between Salem and Winston to the place of beginning.

SEC. 3. That there shall annually, on the first Monday in May in each year, be elected a mayor and seven commissioners, who shall hold office until their successors are qualified; all to be elected by the qualified voters of the town. Election of town officers.

SEC. 4. That any qualified elector in this state shall be eligible as mayor or commissioner: *Provided*, he shall have resided in the corporation twelve months next preceding the day of election. Who eligible for mayor or commissioners.

SEC. 5. That all persons entitled to vote in the county of Forsythe for members of the general assembly and who shall have been *bona fide* residents of the town of Winston ninety days next preceding the election shall be entitled to vote for mayor and commissioners, or at any election held therein for any municipal purposes. Electors.

SEC. 6. That the mayor, immediately after the election and before entering upon the duties of his office, shall before a justice of the peace take the following oath: "I, A. B., do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all the duties of the office of mayor of the town of Winston while I continue therein, and I will cause to be executed, as far as in my power, all the laws, ordinances and regulations made for the government of the town, and in the discharge of my duties I will do equal justice in all cases whatsoever." Oath of mayor.

SEC. 7. That each commissioner, before entering upon Oath of commissioners.

the duties of his office, shall take before the mayor or any justice of the peace an oath that he will truly and impartially perform the duties of a commissioner for the town according to the best of his skill, ability, and judgment.

Vacancy in board. SEC. 8. That the board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office; and also to appoint all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their terms of office. The board of commissioners shall be further authorized to appoint one of their number a mayor *pro tempore*, to act as mayor in case of absence of the mayor or his inability to perform the duties of his office.

Officers.

Mayor *pro tem.*

Jurisdiction of mayor. SEC. 9. That the mayor of said town is hereby constituted an inferior court, and as such shall within the corporate limits of the town have all the power, jurisdiction and authority of a justice of the peace to preserve and keep the peace, to issue process, to hear and determine all causes of action which may arise upon the ordinances and regulations of the town; to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute the by-laws, rules and regulations made by the commissioners. The mayor shall further be a special court within the corporate limits of the town to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused be found guilty, he shall be fined at the discretion of the court or mayor, not exceeding the amount specified in the ordinance or ordinances so violated, or at the discretion of the mayor or court trying the same; such offender may be imprisoned not more than thirty days in the common jail of the county. If the accused is dissatisfied with the judgment of the mayor or court he may appeal in like manner as prescribed for appeals from judgments of a justice of the peace.

Appeal.

SEC. 10. That the mayor may issue his precepts to the town constable who may execute the same anywhere in Forsythe county, or to such other officers to whom a justice of the peace may direct his precepts. An endorsement by the mayor of the name of the witnesses upon a summons or warrant shall be authority for the officer to execute the same. The mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings.

Precepts of mayor,
to whom issued.

SEC. 11. That the board of commissioners shall have authority to put to and keep at work on the streets of the town any person or persons who may fail to pay any tax, fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town, and the said commissioners shall have authority by their ordinances and by-laws to confine, control and manage such persons until the said fines and penalties or forfeitures, together with cost thereof, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may adopt.

Persons failing to
pay tax, fines, &c.
liable to work
streets.

SEC. 12. That any town constable, policeman, watchman or town officer arresting any person or persons for a violation of any of the ordinances of the town shall have the right to commit such person or persons to the lockup or the common jail of the county for as early trial as practicable.

Persons arrested
committed to
prison.

SEC. 13. That the commissioners shall have power to lay out and open any new street or streets within the corporate limits of the town whenever by them deemed necessary, and shall have power at any time to widen, enlarge, change or extend or discontinue any street or streets, or any part thereof, within the corporate limits of the town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof. But in case the owner of the land and

Streets.

Power of commis-
sioners to con-
demn land.

Damages, how determined. the commissioners cannot agree as to the damages, then the matter shall be referred to arbitrators, each party choosing one who shall be a freeholder and a citizen of the town, and in case the owner of the land shall refuse to choose such arbitrator, then the mayor shall in his stead select one for him; and in case the two chosen as aforesaid cannot agree they shall select an umpire, whose duty it shall be to examine the land condemned and ascertain the damages sustained and the benefits accruing to the owner in consequence of the change, and the award of the arbitrators shall be conclusive of the right of the parties, and shall vest in the commissioners the right to use the land for the purposes specified, and all damages agreed upon by the commissioners or awarded by the arbitrators shall be paid as other town liabilities by taxation: *Provided*, that either party may appeal to the superior court as now provided by law.

Proviso.

Powers of taxation.

SEC. 14. That the board of commissioners of the town of Winston shall have power not oftener than annually to impose, levy and collect a tax upon all real and personal estate within the corporate limits of said town, and also upon all money on hand, solvent credits, and upon all polls and all other subjects of taxation taxed by the general assembly for public purposes; and the said board shall have power to levy and collect a commutation tax upon all persons residing within the corporate limits of Winston who may be liable to work on the public roads in lieu of requiring of them such personal services on the roads and streets.

License tax.

SEC. 15. That in addition to subjects liable to taxation for state purposes, the commissioners shall have power to levy and collect a specific or license tax on the following subject, to-wit: all itinerant auctioneers, merchants or peddlers vending or offering to vend in the town, each express company, each telegraph office, each railroad company having a depot, each photograph artist and persons taking likeness of the human face, each broker or bank-

er's office, dealer in patent rights, each sewing machine company or agent, each life or fire insurance agent, commission merchants and commercial brokers, each distiller of fruit or grain, each livery stable keeper, every non-resident huckster or trader or agent of such who buys produce on the streets for sale in other markets, each rectifier and compounder of spirituous liquors, each gift enterprise and lottery, each dray, each omnibus, every person wearing or carrying a deadly weapon concealed, unless he be a public officer authorized to execute process issued by some court or officer.

SEC. 16. That the commissioners shall have power to declare all horses, cattle, dogs and sheep running at large within the corporate limits of the town a nuisance, and the commissioners may at their option impose a fine upon the owner or owners of said animals running at large, or may treat the same as a nuisance and have it abated. Animals running at large.

SEC. 17. That no person shall retail or sell any spirituous liquors, wine, cordial, ale, porter, lager beer, or any other spirituous, vinous or malt liquors by a less measure or in less quantity than three gallons within the corporate limits of Winston without first having paid the tax and obtained a license therefor as herein required: *Provided, however,* the town commissioners may issue license for retailing lager beer and ale, and these alone, upon the payment of an annual tax of one hundred and fifty dollars, and that the said commissioners shall have authority to revoke such license at any time upon the payment to the party holding it of that portion of the tax paid corresponding to the unexpired term of the license. License to sell liquors.

SEC. 18. That no person shall erect, put up, keep, use or maintain any billiard table, ten-pin alley, or any gaming table or place, by what ever name known or called, at which games of chance, hazard or skill shall be played within the corporate limits of Winston, without first having paid the tax and obtained license therefor as herein required. Billiard tables, &c.

Tax on liquor
dealers, billiard
tables, &c.

SEC. 19. That the commissioners of the town of Winston shall impose, levy and collect a corporation tax of not less than five hundred dollars per annum upon every person obtaining a license for any one of the purposes specified in sections seventeen and eighteen of this act; and said commissioners shall grant no license to any person for any one of the purposes herein enumerated until he shall have paid all the taxes imposed for said license and proved good moral character by the oaths of not less than two citizens of said town. Said commissioners shall have the power to grant or refuse a license to any person for any one of the aforesaid purposes at their discretion.

No license to sell
liquors, &c., to be
granted except on
recommendation
of town commis-
sioners.

SEC. 20. That no court, board of county commissioners, sheriff or any other officer shall grant a license to any person for any one of the purposes specified in sections seventeen and eighteen of this act, to be kept up, used, carried on or exercised within the corporate limits of Winston, unless such person shall produce before such court, board of county commissioners, sheriff or other officer, a license therefor granted by the commissioners of said town, duly signed by the mayor thereof; and that any person who shall violate any of the provisions of sections seventeen and eighteen of this act shall forfeit and pay to the commissioners the sum of fifty dollars for each offence, to be sued for and recovered by the said commissioners. And such violations shall be held and deemed a misdemeanor, and any one convicted thereof shall be fined fifty dollars or imprisoned thirty days, at the discretion of the court; and each act of selling or retailing shall be deemed a separate offence, and each day or part of a day in which any billiard table, ten-pin alley, or any gaming table or place where any game of chance, hazard or skill shall be kept up, maintained or played, by whatever name, shall be deemed a separate offence and a violation of this act.

Penalty for viola-
tion of sections 17
and 18.

Misdemeanor.

Separate offence.

Nuisances.

SEC. 21. That the commissioners may require and compel the abatement and the removal of all nuisances within

the town at the expense of the persons causing the same, or the owner or the tenant of the ground wherever the same may be. They may also prevent the establishment of and may regulate, if allowed to be established, any slaughter house or place or the exercise within the town of any offensive or unhealthy business, trade or employment. Slaughter house, &c.

SEC. 22. That the board of commissioners shall have Sidewalks. the power to require the owner or owners of lots on such streets as they may direct, to construct and keep in proper repair the sidewalks in front and all sidewalks adjoining said lots, in such manner as may be prescribed by said commissioners; and in case of failure of said lot owners so to do after thirty days' notice, then the said commissioners shall have the authority to do it at the expense of said lot owners, which shall be a lien and charge upon said lot: *Provided*, the commissioners shall require the Provide same to be done with earth, gravel, or sand, but in case the commissioners shall require the sidewalks to be paved with brick, stone or costly material, then the town shall defray one-half the expenses of the same and the other half to be paid by said lot owners, which shall also be a lien and charge upon said lots; and the foregoing liens may be enforced by the commissioners in such manner as they may direct in their ordinances.

SEC. 23. That the board of commissioners shall have Powers of board of commissioners. power to provide water, take all proper means to prevent and extinguish fires, to make regulations, to cause due observance of the Sabbath, appoint and regulate town watches, suppress and remove nuisances, preserve the health of the town from contagious and infectious diseases, to control and regulate the keeping of powder within town, to regulate the speed of riding and driving on the public streets, and to keep or require to be kept the sidewalks clear of all obstructions, to cut and remove all limbs, branches and parts of trees or shrubbery extending upon or overhanging the sidewalks or streets at the expense of

the owners of the adjacent lots, who may refuse to do the same on five days' notice from the mayor of the town.

Fire companies.

SEC. 24. That the commissioners may provide for the organization, equipment and government of fire companies, and in all cases of fire a majority of such commissioners as shall be present may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down, for which they shall not be responsible to any one for damages.

Corporate powers.

SEC. 25. That the town of Winston is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter one hundred and eleven Battle's Revisal, entitled "towns," not inconsistent with any of the provisions of this act.

Corporation debt.

SEC. 26. That for the purposes of maintaining and improving the prosperity of the town, a corporation debt may be created under the following limitations, to-wit : the whole interest bearing debt shall never exceed at any one time a sum to pay the interest on which and to provide a sinking fund shall require a tax of more than thirty-five cents on the hundred dollars of the assessed property and of the amount represented by the polls of the town ; and the bonds and other evidences of the interest-bearing debts of the corporation shall not be subscribed or paid into any work, or sold for less than par, or the amount expressed on their face.

Limitation of debt.

Election.

SEC. 27. Whenever the citizens of the town, representing in town property and polls, or by either, thirty-three and a third per cent. of the debt they propose to have created by the corporation, shall present a written petition to the commissioners of the town specifying their objects, the said commissioners shall immediately order an election for the purpose, and give thirty days' notice thereof in the town papers and at the court-house door, plainly naming the purposes of said election, and shall cause a vote to be taken as other town elections are held, and if a majority of the registered voters of the town

shall vote in favor of said appropriation, it shall be binding upon the corporation under the above limitations, and bonds signed by the mayor and the town secretary, if there be one, and if not by the mayor alone, shall be issued in such sums as the before-named petitioners shall require, and bearing not more than eight per cent. interest per annum, payable not oftener than twice a year: *Provided*, that no interest-bearing debt shall run for a longer term than twenty years, nor a shorter term than ten years. *Provided.*

SEC. 28. The bonds and evidences of debt so created shall be invested for the objects expressed in the notice of the vote, under such regulations as the aforesaid petitioners shall require, subject to the limitations in section twenty-six; and the investment shall belong to the corporation, and all the dividends thereon shall be paid to the town treasurer on the order of the mayor, countersigned by the town secretary, if there be one. And a separate and itemized account thereof shall be kept by said secretary and reported with his other reports, and the said dividends shall be first used in the payment of the interest on the debt created by this investment, and the surplus retained and invested by the town commissioners as a sinking fund to pay the principal of said debt. *Investment of bonds, &c.*
Itemized account to be kept, &c.
Dividends, how used.

SEC. 29. The investment of the corporation so made shall not be liable to town taxes, and may be sold by the commissioners for their par value or more, but not for less, and the proceeds applied to payment of the debt created for it. *Investment not liable to town taxes.*
May be sold, &c.

SEC. 30. The bonds and evidences of debt so created and held by citizens or corporate companies of the town, shall not be liable to assessment and taxation for town purposes. *Bonds, &c., not liable to taxation for town purposes.*

SEC. 31. The town commissioners may provide a sinking fund for the payment when due of all the interest-bearing debt of the town of the amount of ten thousand *Sinking fund.*

dollars or more, for which fund and its proceeds the town treasurer shall give an approved bond, and of which he shall render a distinct and itemized annual account, but the taxes levied for such purposes, when added to those for the interest upon the whole interest-bearing debt of the corporation shall not exceed the limitations of section twenty-six.

When other elections to be held.

SEC. 32. In case any proposition for the creation of a corporate debt shall fail to be ratified by a vote of the citizens, it shall be competent to hold other elections on the same conditions for larger or smaller sums for said purposes: *Provided*, there shall not be an election ordered more than once in twelve months.

Proviso.

Graded schools.

SEC. 33. The commissioners of the town shall provide for the establishment and support of a system of graded schools under the following conditions, to-wit:

1. No interest-bearing debt of the corporation shall be created for this purpose.

2. The schools shall be open to all *bona fide* residents of the town, of all races, between the ages of six and twenty-one, but the white and colored schools shall be in distinct and separate buildings and departments, and the schools shall have separate apartments for the higher classes of males and females.

3. The fund raised by taxation shall be used only for the payment of the salaries of teachers.

4. No fee or tuition shall be exacted from or on behalf of any one entitled to the benefits of the schools of more than fifty cents per annum, and at the same ratio for a session of less time.

5. Persons living beyond the limits of the corporation may attend the school from their homes, or as boarders, on the payment of tuition fees to be fixed by the school commissioners.

6. Suitable buildings, furniture and apparatus for the schools shall be provided by voluntary effort.

7. The tax for school purposes shall not exceed twenty

cents on the hundred dollars of assessed property and polls; and twenty-five per cent. of the revenues raised under sections fifteen, seventeen and eighteen, and by fines and forfeitures shall be paid to the graded school fund.

9. The schools shall not be established until the subject, with the conditions above, has been submitted to the qualified voters of the town on thirty days' notice in the town papers and at the court house doors, and ratified by a majority of said voters at an election to be held as other town elections.

10. The said proposition when voted down may be submitted at other elections, but not oftener than once in each year.

SEC. 34. The schools shall be managed by a board of five citizens and tax-payers of the town to be elected as hereinafter provided, and who when so elected shall be a body corporate and politic, with the powers and privileges incident to bodies corporate, and under the name and style of the Winston commissioners of graded schools, and the said commissioners shall elect one of their number chairman and one secretary, and shall have power to fill vacancies in their number: *Provided*, two of the five shall always be from the town commissioners.

Commissioners of
graded schools.

Body politic.

Officers.
Vacancies.
Proviso.

SEC. 35. The town treasurer shall be treasurer of the school commissioners, and to him shall be paid all moneys public and private for the school; and he shall pay out only on the order of the chairman of the school commissioners, countersigned by the secretary and specifying the object. He shall annually give a bond for his fidelity as said treasurer in the sum of six thousand dollars; shall keep a separate statement of school moneys, and shall annually make a report to the school commissioners with a duplicate to the town commissioners, stating receipts and their sources and disbursements and their objects, and said account shall be passed on by the school commissioners and published in at least one of the town papers.

Town treasurer to
be treasurer of
school commis-
sioners.

Bond.

Annual report.

School taxes to be paid to treasurer.

SEC. 36. All state and county school taxes collected from the citizens of the town shall be paid by those in charge of them to the said treasurer for the benefit of said graded schools.

Commissioners to establish graded schools.

SEC. 37. The school commissioners shall establish as soon as possible and keep open a system of graded schools for the town, shall be empowered to provide suitable buildings, furniture and apparatus for the same by voluntary effort, to select teachers, and to dismiss them for cause, to fix their salaries, to aid them in the establishment of grades and the enforcement of discipline, to abate nuisances to the schools, to admit pupils from without the corporation on the payment of tuition fees, to visit the schools regularly for inspection, and to do all other acts pertaining to their office for the good and success of said schools. And the said commissioners shall serve without salary, but may be authorized to purchase necessary books of record and stationery and fuel, and to pay their secretary not more than thirty dollars per annum for his services as such.

Commissioners to serve without salary.

Necessary expenses.

Election, when held.

SEC. 38. Whenever citizens of the town representing ten thousand dollars of taxable property and polls, or either, shall so petition the town commissioners, the latter, not oftener than once a year, shall immediately order an election on the question on thirty days' notice in the town papers and at the court house doors, and if the proposition receives a majority of the votes of the citizens of the town, the said town commissioners shall immediately afterwards order an election to be held as other town elections on thirty days' notice in the town papers and at the court house doors for three persons, who shall be citizens of the town and tax payers, to act as school commissioners, and the said town commissioners shall appoint two of their own number to act with those so selected by the people, and with them to constitute a board of five school commissioners. And in the election of the school commissioners by the people those receiving a ma-

jority of the votes cast shall be declared elected, and in case of a tie the town commissioners who are in office shall select from those so tied.

SEC. 39. The terms of office for the school commissioners shall be as follows, to-wit: Those selected from the town commissioners shall continue in office for one year and of those elected by the people one shall serve for one year, one for two years, and one for three years; and from the first election by the town commissioners and by the people till the next regular election for town officers shall be counted as one year. At the election by the people for school commissioners the ballot shall specify the terms of service of the persons voted for, but when vacancies are filled by the board of school commissioners the person so appointed shall serve only until the next regular or annual election of town officers.

Terms of office of school commissioners.

SEC. 40. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

SEC. 41. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 68.

AN ACT TO EXTEND THE CHARTER OF CERTAIN BANKS.

The General Assembly of North Carolina do enact :

SECTION 1. That the charter heretofore granted to the Bank of Raleigh, in the city of Raleigh, and the Bank of Durham, in the town of Durham, be and the same are hereby extended for two years from this date; that the

Charters of "Bank of Raleigh" and "Bank of Durham" extended.

name of Eugene Morehead be added as one of the incorporators of the bank of Durham.

SEC. 2. That this act be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 69.

AN ACT TO INCORPORATE THE VILLAGE OF BIG LICK, STANLY COUNTY.

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. That the village of Big Lick, in the county of Stanly, be and the same is hereby incorporated by the name and style of the town of Big Lick, and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Name.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows : three-eighths of one mile east, west, north and south from the cross roads in said town, and shall run with the four cardinal points of the compass.

Officers.

SEC. 3. That the officers of said corporation shall consist of a mayor, three commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and eighty, viz: mayor, R. H. Griffin; commissioners, P. G. Hartsell, J. H. Walters and R. W. Hatley; marshal, Jacob Hartsell.

Election.

SEC. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and eighty, and every year thereafter, under the same restrictions that county and state elections are held; all male citizens within said corporation who have resided twelve months within the state and

Electors.

ninety days within the corporate limits previous to the day of election shall be entitled to vote at said election.

SEC. 5. That the said commissioners shall have power Corporate powers. to pass by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the state and the United States, and to impose fines and penalties for the violation of town ordinances, and collect the same.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 70.

AN ACT TO INCORPORATE THE TOWN OF TROY, IN THE COUNTY OF MONTGOMERY.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Troy, in the county of Incorporated. Montgomery, be and the same is hereby incorporated by the name and style of the town of Troy, and it shall be Name. subject to all the provisions of law now existing in reference to incorporated towns.

SEC. 2. That the corporate limits of said town be as fol- Co porate limits. lows : One half mile east, west, north and south from the centre of the court house in the town of Troy, and shall run with the four cardinal points of the compass.

SEC. 3. That the officers of said incorporation shall con- Officers. sist of a mayor, five commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and seventy-nine, viz: mayor, J. M. Brown, commissioners, C. C. Wade, Larkin Brewer, F. M. Warner, Allen Jordan P. M. Morris; marshal, John B. Henly.

Election.

SEC. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and seventy-nine, and each succeeding year thereafter under the same restrictions that county and state elections are held, and all citizens within said corporation who have resided twelve months within the state and thirty days within the corporate limits previous to the day of election shall be entitled to vote at said election.

Electors.

Corporate powers.

SEC. 5. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the state and United States, and levy and collect a tax on all subjects of state taxation not to exceed one half of the state tax, and to impose fines for the violation of town ordinances and collect the same.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 71.

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND FORTY-EIGHT, PRIVATE LAWS ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, WITH REFERENCE TO THE TOWN OF RIDGEWAY.

The General Assembly of North Carolina do enact :

Chap 148, private
acts 1868, repealed

SECTION 1. Chapter one hundred and forty-eight, private laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, entitled an act to incorporate the town of Ridgeway, is hereby repealed.

SEC. 2. That it shall be unlawful for any person or persons to sell any intoxicating liquors or either directly or indirectly to receive any compensation for the same within two miles of Ridgeway depot, in the county of Warren.

Unlawful to sell
liquors within
two miles of
Ridgeway depot.

SEC. 3. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction in the court of a justice of the peace shall be fined not less than ten nor more than fifty dollars.

Misdemeanor.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1879.

CHAPTER 72.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-FIVE OF PRIVATE LAWS OF THE YEARS ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, CONCERNING INSPECTION OF TIMBER AND LUMBER IN THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and fifty-five of private laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five be amended as follows: Strike out all after the word timber, in the eight line of section three, down to section six of said chapter, and insert the following, to-wit: "Showing the gross number of feet by measurement, and the number of feet refused or measured off by reason of defects; but in no case shall the inspector render a bill for refuse timber at two dollars per one thousand feet, or any

Chap. 166, private
acts 1874-75,
amended.

Bill to be rendered
owner by inspec-
tor.

other price fixed by the buyer without the express consent of the seller."

Measurement of
ton timber.

SEC. 2. Ton timber shall be measured by the inspector at an equal distance from the butt and the small end, and shall be calculated at the full size of what said timber will square at the place of measurement, and one-half of the number of feet contained in the vane edge of said timber, shall be added to the amount.

Defects in timber,
how ascertained.

SEC. 3. The length of defects in sticks of timber caused by rots, splinter-drawers, windshakes, cat-faces, plugs, or defects at either or both ends, shall be ascertained by examinations either by chopping, boring or otherwise, and the length only of such defect, provided it amount to one-third of the actual size of the timber, shall be refused, otherwise only the number of feet of timber actually lost by reason of such defect shall be refused.

Failure of inspec-
tor to perform
duty.

SEC. 4. Any inspector who shall render a bill for any timber, the gross amount of which shall be less than the number of feet actually contained in said timber according to the manner of measurement prescribed in section two of this act, or in any other conditions but those expressed in this chapter, or shall fail to perform any of the duties enjoined in this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five nor more than fifty dollars, and removed from office and disqualified for again holding said office.

Misdemeanor.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1879.

CHAPTER 73.

AN ACT TO AMEND THE ACTS INCORPORATING THE TOWN OF
KENANSVILLE, IN THE COUNTY OF DUPLIN.

The General Assembly of North Carolina do enact :

SECTION 1. That the act incorporating the town of Kenansville, in the county of Duplin, and the acts amendatory thereof be and the same are amended as follows: That the corporate limits of the said town shall be the following: Beginning on the Grove Swamp just below the bridge across the said Grove Swamp on the western side of said town of Kenansville and on the eastern side of the Wilmington road, and runs up the eastern side of said road to a point opposite the house known as the Clement or Shaw house or dwelling, thence east to a point below Millard's dwelling house, on the Hallsville road, thence north thirty-one degrees east to Isaac B. Kelly's corner below the Charles house, thence north five degrees west to the Grove Swamp, thence up the Grove Swamp to the beginning. Act of incorporation amended Corporate limits.

SEC. 2. This act shall be in force from and after its ratification.

Ratified 12th day of March, A. D. 1879.

CHAPTER 74.

AN ACT TO INCORPORATE PIEDMONT LODGE, NUMBER THIRTY,
INDEPENDENT ORDER GOOD TEMPLARS OF HICKORY, NORTH
CAROLINA.

The General Assembly of North Carolina do enact :

SECTION 1. That the officers and members of Piedmont Lodge, number thirty, Independent Order of Good Tem- Body politic.

Name.

Powers.

By-laws, &c.

Disposition of
property in case
Lodge ceases to
exist.

plars of Hickory, Catawba county, North Carolina, be and they are hereby constituted a body politic and corporate under the name and style of Piedmont Lodge number thirty Independent Order Good Templars, and by that name and style shall have perpetual succession, may sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in this state, they may take, hold and dispose of property, both real and personal, as their interest and convenience may require : *Provided*, that all the real estate owned by said lodge may not exceed ten thousand dollars in value.

SEC. 2. That said Piedmont Lodge shall have power to pass all necessary by-laws and regulations for its government not in conflict with the constitution and laws of this state or of the United States.

SEC. 3. That if at any time this lodge should cease to operate as a lodge and be compelled to surrender or forfeit its charter to the Grand Lodge of Good Templars, the last legally elected officers of said Piedmont Lodge together with the Lodge Deputy and such of the members as they may wish to act with them shall be constituted a committee to take in charge all the property, both real and personal, belonging to, held by or in the name of said Piedmont Lodge and dispose of said property as in their wisdom may see fit.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification.

Ratified this the 12th day of March, A. D. 1879.

CHAPTER 75.

AN ACT TO INCORPORATE THE CHAMPION COMPRESS AND
WAREHOUSE COMPANY.

The General Assembly of North Carolina do enact :

SECTION 1. That E. J. Pennypacker, James Sprunt, Body politic. Edwin E. Burruss, W. C. Blackwood and all persons who now are, and may hereafter be, associated with them, their successors and assigns, are hereby created a body politic and corporate by the name and style, "The Champion Name. Compress and Warehouse Company," with all the rights, powers and privileges granted to corporations by the first Powers. and second sections of the twenty-sixth chapter of the Revised Code entitled "Corporations," and as such shall have perpetual succession.

SEC. 2. The capital stock of the said company shall be Capital stock. thirty thousand dollars, divided into shares of one hundred dollars each; and said company shall have power to increase its capital stock from time to time to a sum not exceeding one hundred thousand dollars, in shares of a like amount. But no such increase shall at any time be made unless authorized by a majority in interest of the stockholders. Each share of stock shall be entitled to one vote in all meetings of the stockholders.

SEC. 3. All the real and personal property, rights, privileges, claims, demands, contracts, choses in action and moneys belonging to the corporation now existing known as The Champion Compress and Warehouse Company, or to which it may be in any way entitled, may be conveyed and transferred to the corporation hereby created; and upon such conveyance, and the acceptance of this charter by the stockholders, the capital stock of the corporation hereby created, and the stockholders in the said corporation shall be stockholders in the corporation hereby created to the same extent, and in the same amount, Transfer of property of Champion Compress and Warehouse Company.

in which they are stockholders in said corporation now existing.

Corporate powers.

SEC. 4. The said company shall have power and authority to own and operate machines and machinery for manufacturing purposes, and for compressing cotton and other substances and materials; to receive, warehouse, compress, buy, ship and sell cotton and other produce; to purchase and hold, sell and convey real and personal property; to receive on storage or deposit all kinds of personal property, stocks, bonds, and other securities and evidences of debt; to make advances in money on any article or thing received, as aforesaid, on storage or deposit, and to transact and carry on all kinds of business usually transacted by warehouse and trust companies; to charge, collect, recover and receive interest, commissions, brokerage and compensation for compressing cotton and other substances and materials and for storage and for deposits, and for all labor, outlay and expenses incident to the receipt, handling, delivery, shipment, insurance and custody of all property received on storage or deposit; which said charges and compensation may be at such rates and upon such terms as may be fixed or agreed upon by the parties, or at such general rates and upon such general terms as may be from time to time adopted by said company. And all advances made by said company on any property or article received on storage or deposit, and all charges and expenses on such property or article, or for compressing cotton and other substances and materials, or for any work, labor or service performed or rendered by said company upon or in connection with any property or article whatsoever in pursuance of its business as herein defined, shall be a preferred lien on such cotton, or other substances and materials, property and articles, so long as the same shall be and remain in the possession and custody of said company, and shall be paid and satisfied before the said company can be required or compelled to deliver the same.

Advances, &c., on property to be preferred lien.

SEC. 5. For all property received by said company on storage or deposit, the said company shall, if required, give a receipt or certificate certifying that it will deliver the same to the party in whose favor such receipt or certificate is given, or to his endorsers or assigns, upon the return and surrender of such receipt or certificate, and the payment of all charges, dues, costs, advances and expenses owing to said company in, upon and about the said property or for which it shall be in any manner liable. Such receipts or certificates shall be negotiable by endorsement or assignment and delivery thereof, and the title to the property therein mentioned shall be thereby transferred to and vested in the *bona fide* holder of such receipt or certificate so negotiated. All advances made by said company on any property held by it on storage or deposit, shall be duly endorsed or otherwise written upon the receipt or certificate which may be given by it for the same.

Receipt for property stored, &c.

To be negotiable.

Advances to be endorsed on receipt.

SEC. 6. Whenever any property on storage or deposit with said corporation shall so depreciate in value as in the opinion of said corporation to render the preferred lien herein provided for on such property, an insufficient or doubtful security for any advances, charges, dues or monies owing to said corporation upon or about such property, or whenever any advances, charges, expenses or other dues upon or about any property left or placed with said corporation upon storage or deposit, have not been paid when due and payable, then and in any such event the said corporation may give personal or written notice by mail, to the person or persons owning such property, or to his agent, requiring payment of such advances, charges, expenses and dues to the said corporation within fifteen days after such personal notice, and within twenty days after mailing such written notice; and if such advances, charges, expenses and dues are not paid within the said periods, then it shall be lawful for the said corporation to sell such property by public auction for cash,

When company authorized to sell property on storage.

Notice to owner.

after five days' notice of the time and place of sale by advertisement in some newspaper published in the said city of Wilmington, and out of the proceeds of such sale to retain and satisfy unto itself the full amount of all charges, advances, dues and moneys owing to said corporation, together with the costs and expenses of making and advertising such sale, and then to pay over the residue of such proceeds to the person or persons entitled thereto upon presentment and surrender of the receipt or certificate given by it for such property: *Provided, however,* that the said corporation shall be at liberty and have full power to sell and dispose of any such property after such notice and upon such terms, and in such manner as may be agreed upon and expressed in any written contract or agreement made with any person or persons.

Proviso.

Authority to borrow money, &c.

SEC. 7. It shall be lawful for the said corporation to borrow money for any purpose connected with its business as herein defined, to make, have discounted, negotiate and dispose of its promissory notes, drafts or bonds given for the money so borrowed or given in liquidation of any debt due or owing from said corporation, or made for the purpose of raising money, and to secure the payment of any such obligations by a mortgage or pledge of any property belonging to said corporation, including its franchise.

By-laws.

Officers.

Powers.

SEC. 8. The said corporation may make any by-laws for the purpose of carrying out the objects of its incorporation, and may therein regulate the form of its organization, the number, style and duties of its officers and directors and the manner of their appointment or election, the meetings of stockholders and directors, the style of its corporate seal, the mode of altering and amending its by-laws and all such provisions which may be necessary or convenient for the management of its business.

SEC. 9. This act shall be in force from and after its ratification.

CHAPTER 76.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF PITTSBORO, NORTH CAROLINA.

The General Assembly of North Carolina do enact :

SECTION 1. That an act entitled an act to incorporate the town of Pittsboro, in the county of Chatham, ratified on the seventh day of January, one thousand eight hundred and forty-five, be and the same is hereby repealed. Repealing prohibitory law.

SEC. 2. That the inhabitants of the said town of Pittsboro shall continue as heretofore a body corporate under the name and style of "The town of Pittsboro," and the boundaries of said town shall be and remain as heretofore known and established. Incorporated. Name. Corpora's limits.

SEC. 3. That said town shall be subject to all the provisions contained in the one hundred and eleventh (111) chapter of Battle's Revisal, except so far as varied by this act. Powers, &c.

SEC. 4. That the commissioners of said town shall have power to levy and collect a tax on all subjects of state taxation, including trades, professions and franchises: *Provided*, that the tax on property shall not exceed ten (10) cents on the one hundred dollars valuation. Power of taxation. Proviso.

SEC. 3. That the commissioners of said town shall have the power, and it shall be their duty, upon the petition of one-third ($\frac{1}{3}$) of the registered voters of said town upon giving thirty days' notice at any time to submit to the qualified voters of said town the question of "license" or "no license," and if a majority of the votes cast shall be for "no license," then until such vote shall be reversed (which in no event shall be at any time within two years from said election), it shall not be lawful for any person to retail or sell spirituous liquors within the limits of said town, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and Local option. Misdemeanor.

upon conviction shall be fined for each and every offence not less than five nor more than twenty dollars, or be imprisoned not more thirty days.

Elective officers.

SEC. 6. That the said commissioners shall have power to appoint a registrar of voters and two judges of election at any election to be held in and for said town.

Constable.

SEC. 7. That the town constable of said town shall have power to arrest, without warrant, any and all persons violating any ordinance of said town in his presence, and if such violation occurs in the presence of the mayor he may order any bystander to arrest the person so offending.

Term of office of
mayor and com-
missioners.

SEC. 8. That the present mayor and commissioners shall hold office until their successors are elected and qualified.

SEC. 9. This act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1879.

CHAPTER 77.

AN ACT TO INCORPORATE THE GRAND LODGE OF THE
INDEPENDENT ORDER OF GOOD TEMPLARS OF NORTH
CAROLINA.

The General Assembly of North Carolina do enact :

Body politic.

SECTION 1. That the officers and members of the Grand Lodge of the Independent Order of Good Templars of North Carolina be and they are hereby constituted and declared to be a body politic and corporate under the name and title of the "Grand Lodge of the Independent Order of Good Templars of North Carolina," and by such name and title shall have succession and a common seal, and may sue and be sued, plead and be impleaded

Name.

acquire, hold and transfer property, both real and personal, and pass all such by-laws, rules and regulations as shall not be inconsistent with the constitution and laws of this state or of the United States: *Provided*, they may not accumulate and hold real estate to exceed one hundred thousand dollars in value. Powers.
Proviso.

SEC. 2. That the officers and members of each subordinate lodge of Good Templars and their successors, instituted and chartered by said Grand Lodge of the Independent Order of Good Templars, be and the same are hereby constituted bodies corporate with all the rights and privileges granted above to the grand lodge: *Provided*, that no subordinate lodge shall accumulate and hold real estate to exceed ten thousand dollars in value: *And provided further*, that if any such subordinate lodge shall surrender or forfeit its charter, all the property both real and personal belonging to or held by, or in the name of such subordinate lodge, shall revert to the said grand lodge, to be held in trust for the benefit of the order until the same or some other subordinate lodge is instituted by said grand lodge in the same locality, when said property shall vest in the newly instituted subordinate lodge as in the former one. But in the event that five years shall elapse after the last subordinate lodge in said locality has forfeited or surrendered its charter, then and in that event the said grand lodge may sell said property and apply the proceeds to its use. Subordinate
lodges incor-
porated.

Proviso.

Proviso.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1879.

CHAPTER 78.

AN ACT TO CONSOLIDATE THE TOWNS OF WINSTON AND SALEM.

The General Assembly of North Carolina do enact :

Authorized to consolidate.

Name.

Powers, &c.

SECTION 1. That the two towns of Winston and Salem, Forsythe county, North Carolina, be consolidated into one body politic and corporate, and henceforth said corporation shall bear the name and style of "the city of Salem," and under such name and style is hereby invested with all property and rights of property which now belong to the corporations under any other corporate name or names heretofore used, and by this name may acquire and hold for the purpose of its government, welfare and improvement all such estate as may be devised, bequeathed or conveyed to it not exceeding in value three hundred thousand dollars, and the same may from time to time sell, dispose of and invest as shall be deemed advisable by the proper authorities of the corporation.

Corporate limits.

SEC. 2. That the corporate limits of the city of Salem shall be limited by the present boundary lines as provided in the respective charters of the two corporate towns of Winston and Salem, omitting only the line bounding Winston on the south and Salem on the north.

Divided into four wards.

SEC. 3. That the city of Salem shall be divided into four wards, denominated first, second, third [and] fourth wards.

Boundaries of 1st ward.

The first ward shall be bounded east by the central line of main street, beginning at the southern boundary line of Salem and running northward to the middle of the street, north-east corner of the court-house square on the present Shallow Ford or fourth street of Winston, thence westwardly along the central line of said street to the present western boundary of Winston, thence south along the present boundary lines of Winston and Salem to the

south-west corner of the present Salem corporation, thence east along the Salem line to the beginning.

The second ward shall be bounded west by the central line of main street, beginning with the first ward at the southern boundary line of Salem and running northward to the middle of the street at the north-east corner of the court-house square on the Shallow Ford or fourth street of Winston, thence eastwardly along the central line of said street to the eastern boundary line of Winston, thence south along the present boundary lines of Winston and Salem to the south-east corner of the present Salem corporation, thence westwardly along the southern boundary line of Salem to the beginning.

Boundaries of 2d ward.

The third ward as follows: beginning at the central point of Liberty street at the north-west corner of the court-house square, at the intersection of liberty street with the northern boundary line of the first ward on fourth or Shallow Ford street, bounded on the east by the central line of Liberty street, running northwardly along said line of Liberty street to its intersection with the northern boundary line of Winston, thence westwardly to the north-west corner of the present corporation of Winston, thence southwardly along the western boundary line of Winston to the west corner of the first ward, thence east along the central line of fourth or Shallow Ford street to the beginning.

Boundaries of 3d ward.

The fourth ward: beginning with the third ward at the north-west corner of the court-house square, bounded west by the central line of liberty street, running northwardly along the central line of the said Liberty street to its intersection with the northern boundary line of Winston, thence eastwardly along said northern boundary line to the north-east corner of the present corporation of Winston, thence southwardly along the present eastern boundary line of Winston to the east corner of the second ward, thence west along the central line of fourth or Shallow Ford street to the beginning.

Boundaries of 4th ward.

Mayor and aldermen.

SEC. 4. There shall annually on the first Monday in May in each year be elected by the qualified voters of the said city of Salem a mayor and eight aldermen, who shall hold their offices until their successors are qualified, the mayor to be chosen by ballot by a majority of the qualified votes cast. Two aldermen shall be chosen for each ward, and such aldermen shall be residents of the ward for which they are chosen, and shall be elected by the qualified voters of such ward. That any qualified elector in this state shall be eligible as mayor or alderman: *Provided*, he shall have resided in the corporation twelve months next preceding the day of election.

Who eligible.

Commissioners of Forsythe to appoint registrar of voters.

SEC. 5. The board of commissioners of Forsythe county shall select at or before their meeting in April, one thousand eight hundred and seventy-nine, and annually thereafter, a registrar of voters for the city of Salem, and shall cause publication thereof to be made at the court house door, and notice to be served on such persons by the sheriff, and shall give ten days' public notice of a registration of voters in and for said city, specifying time and place and name of registrar. Said registrar shall be furnished by said county commissioners with registration book or books for each ward, and it shall be the duty of said registrar appointed for the year one thousand eight hundred and seventy-nine, and annually thereafter, to open his books at such time and place in the city of Salem as may be designated by the said county commissioners: *Provided*, that after the first registration shall have been made by virtue thereof a new registration shall not be annually had, but a revision of the registration books shall be made prior to each succeeding election to be held for said city agreeable to the provisions of section eight, chapter fifty-two, Battle's Revisal. Immediately after said revision the books shall be deposited with the sheriff of Forsythe county, and during and after said revision citizens desiring to do so may inspect them.

Notice of registration.

Duty of registrar.

Proviso.

Electors.

SEC. 6. That all persons entitled to vote in the county

of Forsythe for members of the general assembly, and who shall have been *bona fide* residents of the city of Salem ninety days and of the ward for which they offer to register ten days next preceding the election, shall be entitled to register hereunder.

SEC. 7. The polls shall be opened on the day of election Election. from seven o'clock in the morning until sunset of the same day. No person whose name has not been duly registered shall be allowed to vote, and any one offering to vote may be challenged at the polls, and if the judges or inspectors of election shall sustain the challenge such person's ballot shall not be received. The aldermen for each ward shall be voted for on one ballot, and for mayor on the same ballot.

SEC. 8. After the ballots are counted they shall be carefully preserved, and shall be, together with the poll list which shall be signed by the inspectors or judges of election and the registration books, delivered to the register of deeds for Forsythe county for preservation. Ballots and poll books to be filed with register of deeds.

SEC. 9. If among the persons voted for in any ward there shall be any two or more having an equal number of votes and either would be elected but for the equal vote, the judges or inspectors shall decide the election between such persons. As soon as the result of the election in any ward is determined two certificates thereof shall be made under the hand of the judges or inspectors setting forth in writing and in words the number of votes each candidate received, one of which certificates they shall deliver to the sheriff of Forsythe county, who shall at once make proclamation thereof at the court house door; the other they shall deliver to the mayor of the city of Salem. The judges or inspectors shall also furnish to each person chosen as alderman in their ward a certificate of his election. Judges of election to determine tie vote. Certificates of election.

SEC. 10. Whenever, under the provisions of this act, any question is to be decided by the inspectors or judges of election and such inspectors and judges cannot decide City registrar to give casting vote.

the same because of the tie vote, the city registrar shall give the casting vote.

Oath of mayor.

SEC. 11. That the mayor immediately after the election and before entering upon the duties of his office shall take before a justice of the peace the following oath: "I, A. B., do solemnly swear that I will diligently endeavor to perform faithfully and truly according to my best skill and ability all the duties of the office of mayor of the city of Salem while I continue therein, and I will cause to be executed as far as in my power all the laws, ordinances and regulations enacted for the government of the city, and in the discharge of my duties I will strive to do equal justice in all cases whatsoever."

Oath of aldermen.

SEC. 12. That on Thursday succeeding the day of such election the aldermen elected thereat shall qualify by taking the oath of office before the mayor or a justice of the peace as prescribed for commissioners of incorporate towns according to section fifteen, chapter one hundred and eleven, Battle's Revisal, and when organized shall succeed to and have all the rights, powers and duties prescribed by law.

Election held under supervision of sheriff.

SEC. 13. That all elections held by virtue of this act shall be held under the supervision of [the] sheriff of Forsythe county, who shall attend the polls and by his deputies preserve order.

Term of office of mayor and aldermen.

SEC. 14. That the mayor and aldermen shall hold their offices respectively until the next succeeding election and until their respective successors are qualified.

Vacancy in office of mayor.

SEC. 15. That if any person chosen mayor shall refuse to be qualified, or if there is any vacancy in the office after the election and qualification, the aldermen shall choose some qualified person either from their own number or from the citizens of the city a mayor for the term or the unexpired portion of the term, as the case may be, and on like occasion and in like manner the other aldermen to supply the place of such as shall refuse to act and all vacancies which may occur, and such persons

In office of alderman.

only shall be chosen as hereinbefore declared to be eligible.

SEC. 16. That any person elected mayor or alderman who shall refuse to qualify and act as such shall forfeit and pay to the use of the city twenty-five dollars. Penalty for refusal to serve as mayor or alderman.

SEC. 17. That the aldermen at the first meeting after their election and after having qualified shall proceed to choose by ballot one of their number mayor *pro tempore*, who after having qualified shall preside at their meetings in the absence of the mayor and discharge the duties of the mayor's office in the absence of the mayor from the city, or if from any disability he is unable to attend to his duties. Mayor pro tem.

SEC. 18. That the mayor of said city is hereby constituted an inferior court and as such shall within the corporate limits of the city of Salem have all the power, jurisdiction and authority of a justice of the peace in criminal cases to issue process, and also to hear and to determine all causes of action which may arise upon the ordinances and regulations of the city, to enforce penalties by issuing executions upon any adjudged violation thereof, and to execute the by-laws, rules and regulations made by the aldermen. The mayor shall further be a special court within the corporate limits of the city to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the city, and if the accused be found guilty he shall be fined at the discretion of the court or mayor not exceeding the amount specified in the ordinance or ordinances so violated, or at the discretion of the mayor or court trying the same such offender may be imprisoned not more than thirty days in the city lock-up or common jail of the county. If the accused is dissatisfied with the judgment of the mayor or court, he may appeal in like manner as prescribed for appeals from judgments of a justice of the peace. Jurisdiction of mayor. Appeal from judgment of mayor.

SEC. 19. That the mayor may issue his precepts to con- Precepts of mayor.

stables of the city and to such other officers to whom a justice of the peace may direct his precepts.

Mayor to keep
record, &c.

Judgments ren-
dered by mayor,
their force, &c.

SEC. 20. That the mayor shall keep a faithful minute of the precepts issued by him and all of his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a single justice of the peace, and may be executed and enforced against the parties in the county of Forsythe and elsewhere, in the same manner and by the same means as if the same had been rendered by a justice of the peace for the county of Forsythe.

Mayor's office.

Corporate seal.

Compensation of
mayor.

Mayor to preside
at meetings of al-
dermen.

To determine the
vote.

Board of alder-
men.
Quorum.

Meetings.

Special meetings.

Penalty for failure
to attend meeting.

SEC. 21. That the mayor shall keep his office in some convenient part of the city designated by the aldermen. He shall keep the seal of the corporation, and perform such duties as shall from time to time be prescribed, and he shall receive such compensation and fees as may be allowed by the ordinances of the corporation.

SEC. 22. That the mayor when present shall preside at all meetings of the board of aldermen, and where there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote, and shall vote in no other case.

SEC. 23. That the aldermen shall form one board and five of them shall constitute a quorum, and a majority of those present shall be competent to perform all the duties prescribed for the aldermen unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall then fix stated days of meeting for the year, which shall be as often at least as once in every calendar month. The special meetings of the aldermen may also be held on the call of the mayor or a majority of the aldermen, and of every such meeting when called by the mayor and all the aldermen, and when called by a majority of the alderman, such as shall not join in the call shall be notified in writing.

SEC. 24. That if the mayor or any alderman shall fail

to attend a general meeting of the board of aldermen or any special meeting, of which he shall have notice as prescribed in the charter, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and [pay] for the use of the city the sum of one dollar.

SEC. 25. That the aldermen, when convened, shall have Ordinances, &c. power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of the city as they may deem necessary: *Provided*, the same be allowed by the provisions of this Proviso. act and be consistent with the laws of the land.

SEC. 26. That the board of aldermen shall have power Powers of board of aldermen. to provide water, take all proper means to prevent and extinguish fires, to make regulations, to cause the observance of the Sabbath, appoint and regulate city watches, suppress and remove nuisances, to control and regulate the keeping of powder within the city, to regulate the speed of riding and driving on the public streets, and to keep or require to be kept the sidewalks clear of all obstructions, to cut and remove all limbs, branches and parts of trees or shrubbery extending upon or overhanging the sidewalks or streets, at the expense of the owners of the adjacent lots who may refuse to do the same on five days' notice from the mayor of the city.

SEC. 27. That they may take such measures as they Prevention of contagious diseases. may deem requisite to be effectual to prevent the entrance into the city or the spreading therein of any contagious or infectious diseases; may stop, detain and examine for that purpose all things and persons coming from places believed to be infected and afflicted with such contagious diseases; may cause any person in the city believed to be infected with such contagious diseases, and whose stay may endanger the public health, to be removed to some safe place within or without the city limits; may cause to be disinfected or destroyed such furniture or other articles which shall be believed to be tainted or infected with any contagious or infectious diseases, or of which

there shall be reasonable cause to apprehend that they generate or propagate diseases, and may take all other reasonable steps to preserve the public health.

Aldermen to appoint secretary, treasurer, tax collector and police.

SEC. 28. That the aldermen at their first meeting after their election, or as soon thereafter as practicable, shall appoint if deemed necessary a secretary or clerk, a treasurer, a collector of taxes, and one or more police, who shall respectively hold their offices until their successors are qualified, subject however to be removed at any time and others appointed in their stead for misbehavior or neglect in office. Before acting each of said officers shall be sworn to the faithful discharge of his duty, and shall execute a bond payable to the city of Salem in such sum as the aldermen shall determine.

Removal.

Officers to be sworn.

To give bond.

Secretary.

SEC. 29. That the secretary or clerk, if one be appointed, shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and articles committed to his care during the continuance in office, and deliver them to his successor, and generally to perform such other duties as may be prescribed by the aldermen.

All papers of board open to inspection.

Fee of secretary.

Penalty for refusal to exhibit papers.

SEC. 30. That every person shall be allowed to inspect the journals and papers of the board in presence of the secretary or clerk on paying to him twenty-five cents for each inspection, under a penalty of two dollars on the clerk for every refusal, to be paid to him who will sue for the same.

Treasurer.

SEC. 31. That the treasurer shall have a reasonable salary, and it shall be his duty to call on all persons who may have in their hands any moneys or securities belonging to the city, to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the aldermen whenever required to do so; on the expiration of his term of office he shall deliver to his successor all

the moneys, securities and other property entrusted to him for safe keeping or otherwise, and during his continuance therein he shall perform all duties lawfully imposed upon him as city treasurer.

SEC. 32. That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the secretary or clerk, if there be one, and shall state the purposes for which the money is applied, and the treasurer shall specify said purposes in his accounts and also the sources whence are derived the moneys received by him.

City orders, how drawn, &c.

SEC. 33. That the aldermen shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the city for the general inspection of the citizens, and cause the same to be posted before the court-house ten days before the day of the annual election of aldermen, and the aldermen failing to comply with the duties prescribed in this section shall forfeit and pay for the use of the city fifty dollars.

Aldermen to make annual statement of receipts and disbursements.

Penalty for failure.

SEC. 34. That it shall be the duty of the police to see that the laws, ordinances and the orders of the aldermen are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the city by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the power and authority vested in sheriffs and county constables; he shall execute all precepts lawfully directed to him by the mayor or other judicial officers, and in the execution thereof shall have the same powers which the sheriff and constables of the county have; and he shall have the same fees on all process and precepts executed or returned by him which may be allowed to the constables of the county on like process and precepts, and also such other compensation as the aldermen may allow.

Duties of police.

Powers.

Fees.

Compensation.

SEC. 35. That any city constable, policeman, watchman or city officer arresting any person or persons for a violation of any of the ordinances of the city, shall have the right to commit such person or persons to the lock-up

Person arrested to be committed.

or the common jail of the county for as early trial as practicable.

Police to act as night-watch.

SEC. 35. That the police shall act as patrol or night-watch for the city, whose duties and powers shall be prescribed by the aldermen. The aldermen may, if deemed requisite for the public good and safety, class the inhabitants, or so many of them as may be necessary, into a special patrol or night-watch.

Special patrol of citizens.

Service on special patrol.

SEC. 37. That the inhabitants when classed into a watch shall (each one, either in person or by a good substitute,) serve in turn when ordered out by the mayor or other persons appointed by the aldermen as directors of the watch.

Penalty for failure to serve.

SEC. 38. That any person being of the watch or patrol, and failing to serve and faithfully to discharge his duty, shall forfeit and pay to the city for each default if an officer of the watch two dollars, and if not, one dollar.

Action on official bonds.

SEC. 39. That for any breach of his official bond by the secretary, treasurer, police or any other city officer who may be required to give an official bond, he shall be liable in an action on the same in the name of the city, at the suit of the city, or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty be recovered.

Repairs and improvements.

SEC. 40. That the aldermen elected in and representing each ward shall annually after personal examination of their respective wards determine what repairs and improvements are needed in such ward, make careful estimate of the probable cost of the same, and report to the board of aldermen at a regular meeting for consideration and action.

Aldermen authorized to open streets, &c.

SEC. 41. That the aldermen shall have power to lay out and open new streets within the corporate limits of the city whenever by them deemed necessary, and have power at any time to widen, enlarge, change, or extend or discontinue any street or streets, or any part thereof, within

the corporate limits of the city, and shall have full power and authority to condemn, appropriate, or use any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof. But in case the owner of the land and the aldermen cannot agree as to the damages, then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a citizen of the city; and in case the owner of the land shall refuse to choose such arbitrator, then the sheriff of the county shall, in his stead, select one for him; and in case the two chosen as aforesaid cannot agree, they shall select an umpire, whose duty it shall be to examine the land condemned and ascertain the damage sustained and the benefits accruing to the owner in consequence of the change; and the award of the arbitrators shall be conclusive of the rights of the parties, and shall vest in the aldermen the right to use the land for the purposes specified; and all damages agreed upon by the aldermen or awarded by the arbitrators shall be paid as other town liabilities, by taxation: *Provided*, that either party may appeal to the superior court as now provided by law.

To condemn land.

Damages to land-owner, how ascertained.

Provido.

Persons failing to pay tax, fine, &c., to work streets.

SEC. 42. That the board of aldermen shall have authority to put to and keep at work on the streets or public grounds of the city any person or persons who may fail to pay any tax, fine, penalty or forfeiture which may have been imposed on such person or persons by the mayor of the city; and the said aldermen shall have authority by their ordinances and by-laws to confine, control and manage such person or persons until the said fines, penalties or forfeitures, together with the cost thereof, shall be fully paid and satisfied, under such rates for labor and board as the aldermen may establish.

SEC. 43. That in order to raise a fund for the expenses incident to the proper government of the city, the aldermen may annually levy and collect the following taxes, viz: Upon all real estate and personal property within

Power of taxation.

the corporate limits of the city; upon all money on hand solvent credits; upon all polls, and all other subjects of taxation taxed by the general assembly for public purposes; and the aldermen shall have power to levy and collect a tax from all persons residing within the city limits who are liable to work on the public roads, in lieu of requiring such persons to work upon the streets and roads within the city.

Limitation of tax
on property.

SEC. 44. That the annual tax on property enumerated in preceding section shall not exceed thirty cents on the one hundred dollars valuation thereof, nor shall the poll tax and road or commutation tax together annually exceed one dollar and a half.

Of tax on polls
and road tax.

License tax.

SEC. 45. That in addition to subjects liable to taxation for state purposes, the aldermen shall have power to levy and collect a specific or license tax on the following subjects, to-wit: All itinerant merchants, peddlers or auctioneers, who shall sell, or offer to sell, privately or at public outcry within the city limits, whether by ascending or descending bids; all drmmers or commercial travelers; each express company; each telegraph office, and each railroad company having a depot within the city limits; each itinerant photograph artist and person taking likeness of the human face; each broker or banker's office; each dealer in patent rights; each sewing machine company or agent; each life or fire insurance agent; all commission merchants and commercial brokers; each distiller of fruit or grain; each livery stable; every non-resident huckster or trader or agent of such who buys produce on the streets for sale in other markets; each rectifier and compounder of spirituous liquors; each gift enterprise and lottery; each dray; each omnibus; every person wearing or carrying on his person a deadly weapon concealed, unless he be a public officer authorized to execute process issued by some court or officer, or for other legitimate purposes.

SEC. 46. That the aldermen shall have power to declare

all horses, mules, cattle, swine, sheep and dogs running at large within the limits of the city a nuisance, and the aldermen may at their option impose a fine upon the owner or owners of said animals running at large, or may treat some or all of the same as a nuisance, and abate or prohibit by law.

Nuisances.

Aldermen empowered to abate.

SEC. 47. That the aldermen of the city of Salem shall have authority and power to levy and collect a special tax not exceeding thirty dollars upon every company of circus riders, for each separate exhibition within the city, said tax to be paid before the exhibition, and if said company of circus riders fails to pay before each exhibition the tax may be doubled.

Special tax on circus.

SEC. 48. Upon every person or company exhibiting within the city limits stage or theatrical plays, sleight-of-hand performances, rope or wire-dancing and tumbling, menagerie, the exhibition for reward of artificial models or curiosities, (models of useful inventions excepted,) a tax not to exceed twenty dollars may be collected, to be paid before exhibition or the same shall be doubled.

Tax on theatrical companies, &c.

SEC. 49. That all moneys arising from taxes, donations, or all other sources, shall be paid to the city treasurer, and no appropriation thereof shall be made but by a board comprised of a majority of all the aldermen.

Taxes to be paid to treasurer.

Appropriations made by board of aldermen.

SEC. 50. That no person shall erect, put up, keep, use or maintain any billiard table, ten-pin alley, or any gaming table or place, by whatsoever name known by or called, at which games of chance or hazard or skill shall be played, within the limits of the city of Salem, without having first paid the tax and obtained a license therefor, as herein required.

No billiard table, &c., to be maintained until license tax is paid.

SEC. 51. That no person shall retail or sell any spirituous liquors, wine or cordials, or any other spirituous or vinous liquors, by a less measure or in less quantity than three gallons, within the corporate limits of the city of Salem, without first having paid the tax and obtained a license therefor as herein required.

No liquors to be sold until license tax is paid.

Tax on billiard
tables, retail liquor
dealers, &c.

Proviso.

Dealers in malt
liquors.

Board empowered
to revoke license.

No license to be
granted until tax
is paid and good
moral character
proven.

Commissioners of
Forsythe to grant
license only on
permission of
board of alder-
men.

SEC. 52. That the aldermen of the city of Salem shall impose, levy and collect a corporation tax of not less than five hundred dollars per annum upon every person obtaining a license for any one of the purposes specified in sections fifty and fifty-one of this act: *Provided*, that nothing in this act shall prohibit the board of aldermen from granting a license to retail malt liquors, such as ale, lager beer and porter, and for such license, if granted, the board of aldermen shall impose, levy and collect a corporation tax of not less than two hundred dollars per annum, and said board of aldermen shall have full power to revoke or recall said license at pleasure, at any time after granting the same, but the said board of aldermen shall refund the proportionate amount of said tax collected for the unexpired portion of the license year to the party or persons from whom such license may be taken, recalled or revoked, and said aldermen shall grant no license to any person for any one of the purposes herein enumerated until such person shall have paid the whole tax imposed for said license, and proved a good moral character by the oaths of not less than two respectable and responsible citizens of the city, and the said aldermen shall have free and full power to grant or refuse a license to any person for any one of the aforesaid purposes at their discretion.

SEC. 53. That it shall not be lawful for the commissioners of Forsythe county to grant any license for any one of the purposes specified in sections fifty and fifty-one, within the corporate limits of the city of Salem, or within one mile of its boundary lines, without the applicant for license having first obtained permission from the board of aldermen of the city of Salem, in authority at the time of the application to said county commissioners; and if any license shall be granted without permission in writing attested by the secretary of the board of aldermen and the same exhibited to the county commissioners, and filed with the clerk of said board of county commis-

sioners, the same shall be utterly void, and the person obtaining such license without the attested permission as above provided, shall be liable to indictment as in all other cases of retailing without license; and for every separate offence of retailing shall forfeit and pay to the use of the city the sum of twenty-five dollars.

License granted
without permis-
sion void.

SEC. 54. That the aldermen shall have power to require Sidewalks. every owner of a lot, or person having as great an interest therein as a lease for three years, which shall front or adjoin any street on which a sidewalk may be ordered by the board of aldermen, to construct or improve a sidewalk along the whole extent of such lot as the board of aldermen may direct, and on failure to do so within thirty days after written notice from the board of aldermen to said lessee or owner of such lot, or if either be a non-resident of the city of Salem, or county of Forsythe or state of North Carolina, to his or their agent, or if such non-resident have no accessible agent within said county of Forsythe, then after advertisement for thirty days on such lot and at the court-house door, calling upon the lessee or owner to make such repairs, the board of aldermen may cause the said sidewalk or repairs to sidewalk to be made, and the expense shall be paid by the party in default, and said expense shall be a lien upon such lot, and if not paid within six months after completion of repairs, such lot may be sold or enough of the same to pay such expense and costs, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed by general law for the sale of land for unpaid taxes. The board of aldermen shall have full power to require all owners of lots on such streets as they may direct, to construct said sidewalks of earth, sand [or] gravel as the aldermen may direct. In case the aldermen shall require the sidewalks to be paved with stone, brick, or other costly material, then the city shall pay one-half the expense of the same and the other half shall

be paid by the said lessee or owner of such lot, which shall be a lien upon said lot or lots.

Aldermen empowered to prohibit porches, &c., encroaching on sidewalk.

SEC. 55. That the aldermen may prohibit the erection of porches, porticoes, piazzas, or steps in front of dwellings or other buildings, so as to encroach upon or obstruct the sidewalks, and in the case of such porches, porticoes, piazzas and steps heretofore built, the aldermen may prescribe the size, length and width of such whenever rebuilt, and if practical prohibit their construction. The

Cellars under sidewalk.

aldermen may also prohibit the construction of cellars under the sidewalks and the building of an entrance on the sidewalks to any basement or cellar, whereby free and unobstructed passage may be delayed, hindered or interfered, and every person who shall construct such cellar under the sidewalk, establish entrance to basement or cellar from said sidewalks shall forfeit and pay to the use of the city one dollar for every day the same may remain.

Penalty.

Public square.

SEC. 56. That the board of aldermen of the city of Salem may receive and hold by gift, donation, bequest, or purchase, any land or lands within the city limits for a public square or park, for the use of the city and improve the same: *Provided, however*, that nothing in this section shall be construed to give them power to incur a corporation or bonded debt therefor.

Prevention of fires, fire companies, &c.

SEC. 57. That the board of aldermen shall have power to establish ordinances to prevent and extinguish fires, to provide for the establishment, organization, equipment and government of fire companies, provide said company or companies with fire engine, fire hose, and necessary appurtenances, and that in all cases of fire a majority of such of the board of aldermen as shall be present may if they deem it necessary to stop the progress of the fire cause any dwelling house or other buildings to be blown up or pulled down, for which they shall not be responsible to any one for damages.

Penalty incurred by minor, how collected.

SEC. 58. That all penalties incurred by any minor for the breach or violation of this act, or any ordinance or

by-law or rule made by the board of aldermen, shall be recovered from the parent, guardian, or master (if the minor be an apprentice) of such minor.

SEC. 59. That all penalties imposed by law relating to the city, or by this act, by any ordinance of the city, unless otherwise provided, shall be recoverable in the name of the "city of Salem," before the mayor or any tribunal having jurisdiction thereof. Penalties, how recovered.

SEC. 60. That neither the mayor or aldermen or other officer of the city, shall, directly or indirectly, become a contractor for work to be done for the city; and any officer herein offending shall be guilty of a misdemeanor. No city officer to become contractor for city work.

SEC. 61. That the aldermen may prevent the establishment, within the city, and may regulate the same, if allowed to be established, any slaughter house or place, or the exercise or pursuit within the city of any offensive or unhealthy trade, business or employment; they may also prevent the firing of guns, pistols, gunpowder, crackers, or other explosive, combustible or dangerous materials on the streets, public places and grounds, or elsewhere within the city. Misdemeanor. Slaughter houses, &c. Firing of guns, &c.

SEC. 62. That the city of Salem is hereby vested with all the power, rights, privileges and immunities enumerated in chapter one hundred and eleven, and elsewhere in Battle's Revisal, not inconsistent with any of the provisions of this act. Corporate powers.

SEC. 63. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

SEC. 64. That whenever the commissioners of the incorporated town of Winston, Forsythe county, N. C., and the commissioners of the adjoining incorporated town of Salem, of same state and county, are separately and at the same time petitioned in writing by twenty-five real estate owners and qualified electors of each separate town, then the said commissioners of the two incorporate towns aforesaid shall proceed separately to call an election, and When and in what manner act to be submitted to voters of Salem and Winston.

after twenty days public notice in the town papers and at the court house in Winston and the post-office in Salem, shall submit the provisions of this act to the qualified voters of the town of Salem and to the qualified voters of the town of Winston, in their separate incorporations, the time and place of election to be designated by the afore-said commissioners of each town hereinbefore mentioned.

Elections, how held.

SEC. 65. That at the separate elections called and held as provided in section one, those electors who may approve of "consolidation" shall deposit in ballot box a slip of paper containing the printed or written word "approved," and such as may disapprove "consolidation" shall deposit in the ballot box a like ballot with words printed or written thereon "not approved."

When act to be in force.

SEC. 66. That if a majority voting in Salem and a majority voting in Winston, the incorporated towns herein beforementioned, shall vote "approved," it shall be deemed and held that a majority of the qualified electors in both towns aforesaid favor "consolidation," and the provisions of this act shall be legal and in force.

When act to be null and void.

SEC. 67. That if, however, a majority of the qualified electors voting in the incorporated town of Salem or a majority of the qualified electors voting in the incorporated town of Winston, or of both towns, shall vote "not approved," then this act shall be null and void and of no effect.

Additional elections.

SEC. 68. That nothing in this act shall be construed to prohibit the commissioners of the incorporated towns of Winston and Salem, herein before mentioned, from again submitting the provisions of this act to the qualified electors of the incorporated towns aforesaid, in accordance with the provisions herein beforementioned: *Provided*, that the same shall not be submitted oftener than once in twelve months: *And provided further*, the first vote shall be taken between the fifteenth and twenty-fifth of April, Anno Domini one thousand eight hundred and seventy-nine.

Proviso.

Proviso.

SEC. 69. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 79.

AN ACT TO SUBMIT THE QUESTION OF THE SALE OF SPIRITUOUS LIQUORS TO THE VOTERS OF THE TOWN OF REIDSVILLE.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be the duty of the county commissioners of the county of Rockingham to order an election to be held in the town of Reidsville, and for two miles in all directions from the post-office in said town, on the question of prohibition or no prohibition of the sale of intoxicating liquors, and the time, manner and form of holding said election shall be prescribed and regulated by said county commissioners.

Commissioners of Rockingham directed to hold election.

SEC. 2. That if a majority of the registered voters within said limits shall vote "prohibition," then and in that case it shall not be lawful for the county commissioners to license the sale of, or for any person to sell any spirituous liquors within said limit, and any person so offending shall be deemed guilty of a misdemeanor and upon conviction of such offence shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Question to be determined by majority vote.

Misdemeanor.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 80.

AN ACT TO APPOINT COTTON WEAIGHERS FOR THE TOWNS OF
GOLDSBORO, KINSTON AND NEWBERN.

The General Assembly of North Carolina do enact :

Number of cotton
weighers.

How appointed.

Vacancies.

Duties.

Oath of office.

Bond.

SECTION 1. That there shall be appointed for the towns of Goldsboro, Kinston and Newbern two public cotton weighers for each of the said towns, one of whom shall be appointed by the county commissioners of the respective counties in which said towns are located at their regular meeting in August, Anno Domini one thousand eight hundred and seventy-nine, and every two years thereafter; the other by the commissioners of the said towns respectively at their regular meeting in August, Anno Domini one thousand eight hundred and seventy-nine, and every two years thereafter, and any vacancy occurring in the said offices of cotton weighers shall be filled in like manner for the unexpired term at the first meeting of said county or town commissioners after any vacancy in their respective appointments may occur.

SEC. 2. It shall be the duty of said weighers to weigh all baled cotton sold in the towns of Goldsboro, Kinston and Newbern at its true weight, making just and proper deductions for water or damage.

SEC. 3. The said weighers before entering upon the duties of their office shall take the following oath before some justice of the peace, viz: "I,, do solemnly swear that I will faithfully perform the duties of the office of cotton weigher, and that I will take no interest, near or remote, in buying or selling cotton in the town of"

SEC. 4. Said weigher shall give bond in the sum of one thousand dollars, payable to the State of North Carolina, conditioned for the faithful performance of their duty. Said bond shall be taken by the county commissioners of the respective counties and filed in the office of the regis-

ter of deeds of said counties ; and said weighers shall receive such compensation as may be allowed by the county commissioners of said counties, the said compensation to be paid by the seller.

SEC. 5. That no other person than said weighers shall weigh cotton sold in said towns under a penalty of ten dollars for each offence, said fine to be applied to the school fund of the respective counties upon the conviction of the offender before any justice of the peace of the said counties in which the offence may be committed.

No person other than weigher authorized to weigh cotton.

SEC. 6. Any cotton weigher appointed under the provisions of this act who shall wilfully or corruptly abuse the trust or power conferred on him by this act shall upon conviction thereof by the board of county or town commissioners by which he was appointed or their successors, be dismissed from his office, and any damages sustained by any party by such wilful or corrupt abuse of trust or power shall be recoverable out of the bond of such cotton weigher so offending.

Wilful abuse of trust.

Penalty.

SEC. 7. This act shall be in force from and after the first day of August, one thousand eight hundred and seventy-nine.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 81.

AN ACT TO INCORPORATE SMITH'S BRIDGE HIGH SCHOOL JOINT STOCK COMPANY.

The General Assembly of North Carolina do enact :

SECTION 1. That William Allen, S. G. Conly, G. N. Rush, L. F. Howard, E. T. Long, J. T. Bradly, J. J. McConnell, W. T. Anderson and Jesse S. Moore, and their successors, are incorporated a body politic for educational

Body politic.

Name.	purposes, under the name and style of "Smith's Bridge High School Joint Stock Company," on Tennessee river in the county of Macon, and as such may have all the
Powers, &c.	corporate powers of trustees of like institution; the said trustees may plead and be impleaded, may sue and be sued.
Vacancies.	SEC. 2. That all vacancies occurring in said board of trustees by death, resignation or removal from the county, shall be filled by the board of trustees, five of whom shall constitute a quorum for the transaction of business.
Unlawful to sell liquors.	SEC. 3. That it shall be unlawful for any person or persons within two miles of said Smith's Bridge academy, to sell, give away or otherwise dispose of any vinous or spirituous liquors.
Misdemeanor.	SEC. 4. That all persons violating the third section of this act shall be guilty of a misdemeanor, and on conviction before any justice of the peace of Macon county, shall forfeit and pay a sum not less than twenty dollars or be imprisoned not less than twenty days or both at the discretion of the court.
By-laws, &c.	SEC. 5. That the said corporation may have a common seal and have power to pass all necessary by laws and regulations for its own government which may not be inconsistent with the constitution and laws of this state or the United States. SEC. 6. This act shall be in force from and after its ratification. Ratified the 13th day of March, A. D. 1879.

CHAPTER 82.

AN ACT TO INCORPORATE THE GLOBE GOLD MINING COMPANY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact :

SECTION 1. That William A. Leavitt, Francis W. Kennedy, Nelson F. Evans, William Tellyer, Francis R. Gatchel and their associates, successors and assigns, or any three of them, be and are hereby created and made a body politic and corporate, by the name, style and title of the Globe Gold Company of North Carolina, and by such name and title shall have continual succession for the purpose of purchasing, working, mining, manufacturing, milling, smelting, assaying, reducing or otherwise treating or working ores, minerals, metals and earths, and for erecting and owning machinery and fixtures for any of said purposes, or for sale or exchange, and for holding, owning, mortgaging, leasing or selling all such real or personal estate as may be necessary in connection with the other privileges herein granted, and to erect houses, mills and other buildings upon and otherwise improve any lands leased or held by them; and for making, buying and selling such matters and things as appertain to their business, and shall be capable of suing and being sued, impleading and being impleaded, and of having a common or corporate seal and the same to alter and change at pleasure, and of granting and receiving in its corporate capacity and name, property real, personal and mixed.

SEC. 2. The minimum capital stock shall be two hundred and fifty thousand dollars, to be divided into shares of not less than ten dollars each, with power to increase the capital stock from time to time by a majority vote of the stockholders, to a sum not exceeding one million dollars.

- Office.** **SEC. 3.** The principal office of the company shall be in
Branch offices. Cabarrus county, with such branch offices located where-
ever they may deem proper as may be necessary for the
transaction of the business of the company; and the
Directors. affairs of the company shall be managed by a board of
directors of such number as the stockholders may elect
and choose, a quorum of whom may be such number as
Quorum. the stockholders may name. The officers of the com-
pany shall be a president chosen by the directors from
their own number, and such other officers as the directors
Officers. shall name. The board of directors shall have power to
make by-laws for their government. For the purpose of
organization the corporators herein named shall constitute
the board of directors and shall hold office until their
successors are elected.
-
- Subscriptions,
how paid.** **SEC. 4.** The subscription to the capital stock of said com-
pany shall and may be paid in such installments, in such
manner and in such property, real or personal, as a
majority of the corporators herein named may determine,
but the stockholders of this company shall not be liable
**Liability of stock-
holders.** for any loss or damage or responsibility beyond the assets
of said company. Any by-law the board of directors make or
amend shall not be inconsistent with the constitution of
the United States or of this state, or the provisions of this
act.
- Corporate powers.** **SEC. 5.** The said company may issue certificates of stock
in such form and subject to such regulations as they may
from time to time present, with power also to issue bonds
with coupons attached, or other evidences of debt, borrow
money and buy and sell patent rights, and dispose of
privileges, to work under and use said patents or portions
thereof, reserving royalties or payments under the same
in such way and manner as they may agree; and regu-
late and direct in what manner their contracts and obli-
gations shall be made, and execute and generally to do all
other matters and things necessary and proper for the

successful transaction of the business for which it is organized.

SEC. 6. This act shall be in full force and effect from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 83.

AN ACT TO INCORPORATE THE ÆTNA GOLD MINING COMPANY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact :

SECTION 1. That J. Howell Mears, Edward W. Wilson, Body politic. Francis W. Kennedy, Harry Mears and John R. Powell, and their associates, successors and assigns, or any three of them, be and are hereby created and made a body politic and corporate by the name, style and title of the Ætna Gold [Mining] Company of North Carolina, and Name. by such name and title shall have continual succession Powers, &c. for the purpose of purchasing, working, mining, manufacturing, milling, smelting, assaying, reducing or otherwise treating or working ores, minerals, metals and earths; and for erecting and owning machinery and fixtures for any of said purposes, or for sale or exchange, and for holding, owning, mortgaging, leasing or selling such real or personal estate as may be necessary in connection with the other privileges herein granted, and to erect houses, mills and other buildings upon and otherwise improve any lands leased or held by them, and for making, buying and selling such matters and things as appertain to their business, and shall be capable of suing and being sued, impleading and being impleaded, and of having and using a common or corporate seal, and the same to alter and change at pleasure, and of granting and receiv-

ing, in its corporate capacity and name, property, real, personal and mixed.

Capital stock.

SEC. 2. The minimum capital stock shall be two hundred and fifty thousand dollars, to be divided into shares of not less than ten dollars each, with power to increase the capital stock from time to time by a majority vote of the stockholders to a sum not exceeding one million dollars.

Office.

Branch offices.

SEC. 3. The principal office of the company shall be in Cabarrus county, with such branch offices located wherever they may deem proper as may be necessary for the transaction of the business of the company, and the affairs of the company shall be managed by a board of directors of such number as the stockholders may select and choose, a quorum of whom may be such number as the stockholders may name. The officers of the company shall be a president, chosen by the directors from their own number, and such other officers as the directors shall name. The board of directors shall have power to make by-laws for their government. For the purpose of organization the corporators herein named shall constitute the board of directors, and shall hold office until their successors are elected.

Directors.

Quorum.

Officers.

By-laws.

Subscriptions to capital stock, how made.

Liability of stockholders.

SEC. 4. The subscription to the capital stock of said company shall and may be paid in such installments, in such manner and in such property, real or personal, as a majority of the corporators herein named may determine, but the stockholders of this company shall not be liable for any loss or damage or responsibility beyond the assets of said company. Any by-laws the board of directors may make or amend shall not be inconsistent with the constitution of the United States or of this state, or the provisions of this act.

Corporate powers.

SEC. 5. The said company may issue certificates of stock in such form and subject to such regulations as they may from time to time present, with power also to issue bonds and coupons attached or other evidences of

debt, borrow money and buy and sell patent rights, and dispose of privileges to work under and use said patents or portions thereof, reserving royalties or payments under the same in such way and manner as they may agree, and regulate and direct in what manner their contracts and obligations shall be made and executed, and generally do all other matters and things necessary and proper for the successful transaction of the business for which it is organized.

SEC. 6. This act shall be in full force and effect from and after the date of its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 84.

AN ACT TO INCORPORATE STONEWALL LODGE, NUMBER NINETY-NINE, INDEPENDENT ORDER OF ODD FELLOWS, OF MONROE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the noble grand and vice grand, ^{Body politic.} secretary and treasurer, wardens, conductors, guardians and members of Stonewall lodge, number ninety-nine, of the independent order of odd fellows, in the town of Monroe, Union county, and their successors be and the same are hereby constituted and declared a body politic and corporate by the name and style of "Stonewall ^{Name.} Lodge, number ninety-nine," and by that name shall ^{Powers.} have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of a like nature.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 85.

AN ACT TO INCORPORATE AURORA LODGE, NUMBER ONE HUNDRED AND EIGHT, INDEPENDENT ORDER OF GOOD TEMPLARS, OF WARRENTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact :

Body politic.

Name.

Powers.

Proviso.

Surviving members of Cold Stream Division Sons of temperance authorized to convey property to Aurora Lodge.

Aurora Lodge authorized to sue for debts due Cold Stream Division.

SECTION 1. That the officers and members of Aurora Lodge, number one hundred and eight, independent order of Good Templars, of Warrenton, Warren county, North Carolina, be and they are hereby constituted a body politic and corporate, under the name and style of Aurora Lodge, one hundred and eight, Independent Order of Good Templars, and by that name and style shall have perpetual succession, may sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in this state. They may take, hold and dispose of property, both real and personal, as their interest and convenience may require: *Provided*, all the real estate owned by said lodge may not exceed ten thousand dollars in value.

SEC. 2. That a majority of the surviving members of Cold Stream Division, number thirty, Sons of Temperance, residing in the county of Warren and state of North Carolina, be and they are hereby authorized and empowered to convey by deed or otherwise to Aurora Lodge, number one hundred and eight, Independent Order of Good Templars, all the property, both real and personal, heretofore or now belonging to or vested in said Cold Stream Division, number thirty, Sons of Temperance; and said Aurora Lodge shall have authority to complete any contract of sale heretofore entered into by said Cold Stream Division when the terms of said contract have been complied with, and to execute proper deeds of conveyance. And said Aurora Lodge shall also have authority to sue in its own name for the recovery of any debts due

said Cold Stream Division, and to enforce compliance with the conditions of any contract heretofore entered into with said Cold Stream Division.

SEC. 3. That said Aurora Lodge shall have power to pass By-laws, &c. all necessary by-laws and regulations for their government not in conflict with the constitution and laws of this state or of the United States.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 86.

AN ACT TO INCORPORATE THE TOWN OF MANLY STATION, IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Manly Station, in the Incorporated. county of Moore, be and the same is hereby incorporated by the name and style of Manly Station, and it shall be Name. subject to all the provisions of law now existing in reference to incorporated towns.

SEC. 2. That the corporate limits of said town shall be Corporate limits as follows: one-half mile east, west, north and south from the centre of the warehouse of the Raleigh and Augusta Air-Line Railroad Company, and shall run with the four cardinal points of the compass.

SEC. 3. That the officers of said incorporation shall con- Officers. sist of a mayor, five commissioners and a marshal, and the following names shall fill said offices until the first Monday in May, Anno Domini one thousand eight hundred and seventy-nine, namely: For mayor, J. E. Buchan; commissioners, O. S. Jones, H. Ellison, W. A. Robinson, D. F. Buchan, and for marshal W. Bradshaw.

Election.

SEC. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and seventy-nine, and each succeeding year, under the same restrictions that county and state elections are held, and all citizens within said incorporation who have resided twelve months within the state and thirty days within the corporate limits previous to the day of election, shall be entitled to vote in said election.

Electors.

Corporate powers

SEC. 5. That the said mayor and commissioners shall [have] power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the state or of the United States, and levy and collect a tax on all subjects of state taxation not to exceed the one-half of the state tax, and to impose fines for the violation of ordinances and collect the same.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1879.

CHAPTER 87.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-NINE, PRIVATE LAWS ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

The General Assembly of North Carolina do enact :

Chap. 129, secs. 2
and 3, private acts
1874-'75, amended.

SECTION 1. That chapter one hundred and twenty-nine, private laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be amended as follows: in sections two and three strike out twenty thousand (\$20,000) dollars wherever it occurs, and insert five thousand (\$5,000) dollars in lieu thereof. In section four strike out thirty thousand (\$30,000) dol-

lars and insert five thousand (\$5,000) dollars in lieu thereof.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 88.

AN ACT ENTITLED AN ACT TO CHARTER THE TOWN OF
QUHELE, FORMERLY TILDEN.

The General Assembly of North Carolina do enact :

SECTION 1. That the inhabitants of the town of Quhele, ^{Body politic.} formerly Tilden, shall be and continue as heretofore have been a body politic and corporate and under the style and in the name of the board of the commissioners of Quhele, is ^{Name.} hereby invested with all the property and rights of prop- ^{Powers, &c.} erty which now belong to the corporation under any other name or names heretofore, and by this name may acquire and hold for the purpose of its government, welfare and improvement all such estate as may be divided, bequeathed, conveyed to it or purchased by it not exceeding in value one hundred thousand dollars, and the same may from time to time sell, dispose of and invest as shall be deemed advisable by the proper authorities of the corporation, and as such may sue and be sued, plead and beimpleaded, have and use a common seal, have perpetual succession, purchase, have and convey real and personal property and be vested with all the powers, rights, privileges and immunities enumerated in chapter one hundred and eleven, Battle's Revisal, entitled towns, and have all the other powers, rights, privileges and jurisdiction that are hereinafter conferred by this act.

SEC. 2. *Be it enacted,* That the corporate limits of said ^{Corporate limits,} town shall be as follows: Beginning at a point on the

Carolina Central Railway one-fourth of a mile east of the intersection of main street with the said railway, said beginning being nearly opposite the African Methodist Episcopal church, thence running in a southern direction perpendicular to said railway one-fourth mile, then in a western direction parallel to said railway one half ($\frac{1}{2}$) mile, then in a northerly direction perpendicular to and across said railway one-half mile, thence eastward parallel to the said railway one-half mile, then southward perpendicular to the said railway one-fourth mile to the beginning, making the corporate limits one mile square.

Officers.

SEC. 3. *Be it further enacted*, That there shall annually on the first day of May in each year be elected a mayor and four commissioners who shall hold office until their successors are elected and qualified, all to be elected by the qualified voters of the town.

Who eligible for mayor, &c.

SEC. 4. *Be it further enacted*, Any qualified elector in this state shall be eligible as mayor and commissioners: *Provided*, he shall have resided in the corporation thirty days next preceding the day of election.

Inspectors of election.

SEC. 5. *Be it further enacted*, That for the purpose of electing said officers the commissioners shall at least twenty days before the election appoint three inspectors who shall be qualified voters, and the inspectors shall give ten days' notice thereof by public advertisement posted at ten public places in said town, and if from any cause inspectors shall not be appointed the sheriff of Robeson county shall designate inspectors qualified in like manner.

Duties of Inspectors.

SEC. 6. *Be it further enacted*, That on the day of election the inspectors shall give due attendance at the time and place, shall be judges of the polls, receive the votes and conduct the election in like manner and during the same hours of the day as election for members of the general assembly. The voter shall designate on his ballot the person for whom he votes as mayor, and the persons for

Ballot.

whom he votes as commissioners, otherwise the votes shall not be counted.

SEC. 7. *Be it further enacted*, That all persons entitled to Electors. vote in the state who have been residents of the town for thirty days next preceding the day of election shall be allowed to vote for mayor and commissioners.

SEC. 8. *Be it further enacted*, At the close of the election Votes to be counted and result declared. the votes shall be counted by the inspectors, and such persons voted for as mayor having the largest number of votes shall be duly declared elected mayor, and such persons voted for as commissioners having the largest number of votes shall be declared elected commissioners, and the mayor and commissioners shall be notified of their election by the inspectors.

SEC. 9. *Be it further enacted*, That the inspectors before Oath of inspectors. they proceed to act shall be sworn by the mayor or a justice of the peace to conduct the election fairly, impartially and according to law, and in case of the absence of one of Vacancy. the inspectors his place shall be forthwith supplied by the commissioners.

SEC. 10. *Be it further enacted*, That if any of the persons Tie vote. voted for as mayor there shall be an equal number of votes between any two or more having the largest number, the commissioners elect shall proceed within five days after their qualification to elect a mayor of such persons, and if any of the persons voted for as commissioners there shall be a like tie, the remaining commissioners within five days after their qualification shall select of such the person or persons to be commissioners.

SEC. 11. *Be it further enacted*, That the inspectors shall Poll and registration lists. certify and subscribe the poll and registration lists and return them to the clerk and treasurer of the board of commissioners, who shall keep them among the archives of the town.

SEC. 12. *Be it further enacted*, That the mayor Oath of Mayor. immediately after the election and before entering upon the duties of his office shall before a justice of the peace take

the following oath: "I, A. B., do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all the duties of the office of mayor of the town of Quhele while I continue therein, and I will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations made for the government of the town, and in the discharge of my duties I will do equal justice in all cases whatsoever."

Oath of commissioner.

SEC. 13. *Be it further enacted*, That each commissioner before entering upon the duties of his office shall take before the mayor or some justice of the peace an oath that he will truly and impartially perform the duties of commissioner for the town according to the best of his skill, ability and judgment.

Term of office.

SEC. 14. *Be it further enacted*, That the mayor and commissioners shall hold their offices respectively until the next ensuing election and until their respective successors shall be elected and qualified.

Vacancy in office of mayor.

SEC. 15. *Be it further enacted*, That if any person elected mayor shall refuse to be qualified or there is any vacancy in the office after election and qualification, or if the mayor be absent from the town or be unable to discharge the duties of his office, the commissioners shall choose one of their number or other qualified person mayor for the time or the unexpired portion of the time or during such absence or disability as the case may be, and on like occasion and in like manner the commissioners shall choose another commissioner to supply the place of such as shall refuse to act or are absent or unable, and all vacancies which may occur, and such persons only shall be chosen as are heretofore declared to be eligible: *Provided*, the said commissioners shall not be required to fill the place if the absence of the said commissioner shall be temporary.

Vacancy in office of commissioner.

Proviso.

Penalty for refusal to serve as mayor or commissioner.

SEC. 16. *Be it further enacted*, That any person elected mayor or commissioner who shall refuse to be qualified

and act as such shall forfeit and pay for the equal use of the town and of him who shall sue therefor the sum of twenty-five dollars.

SEC. 17. *Be it further enacted*, That if the commissioners shall fail to give notice of election or to hold and declare the same in manner herein prescribed, each of them as shall be in default shall forfeit and pay for the equal benefit of the town and of him who shall sue therefor one hundred dollars. Penalty for failure of commissioners to hold election.

SEC. 18. *Be it further enacted*, That the mayor in the corporate limits of said town shall be a municipal court and shall have and exercise all the jurisdiction, power and duties given to mayor and chief officers of cities and incorporated towns by chapter two hundred and forty-three, act of the legislature of State of North Carolina, passed at the session of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven and such other powers as may be given to such officers by the general assembly of North Carolina. Jurisdiction of mayor.

SEC. 19. *Be it further enacted*, That the mayor shall keep his office in some convenient part of the town designated by the commissioners. He shall keep the seal of the corporation and perform such duties as shall from time to time be prescribed. Mayor's office.

SEC. 20. *Be it further enacted*, That the mayor when present shall preside at all meetings of the board of commissioners and when there is an equal division upon any question or in the election of officers by the board he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent the board may appoint one of their number *pro tempore* to exercise his duties. Mayor to preside at meetings of commissioners and determine tie vote.

SEC. 21. *Be it further enacted*, That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for commissioners unless otherwise provided. Within five days after their election they shall convene for the transaction Duties of commissioners performed by majority of board. Meetings.

of business, and shall then fix their stated days of meeting for the year, which shall be as often at least as once in every calendar month. The special meeting of the commissioners may also be held on the call of the mayor or a majority of the commissioners, and of every such meeting when called by the mayor or the commissioners and when called by a majority of the commissioners such as shall not join in the call shall be notified in writing.

Failure of commissioner to attend meeting.

SEC. 22. *Be it further enacted*, That if any commissioner shall fail to attend a general meeting of the board of commissioners or any special meeting of which he may have notice as provided in this charter, unless prevented by such causes as shall be satisfactory to the board, he shall be guilty of a misdemeanor, and on conviction may be fined by the mayor not exceeding five dollars.

Misdemeanor.

Commissioners to appoint certain officers.

SEC. 23. *Be it further enacted*, That the commissioners at their first meeting after their election shall appoint some suitable person as clerk and treasurer, collector of taxes, and one or more constables, all of whom shall respectively hold their office for twelve months and until the appointment of their successors, subject, however, to be removed at any time and others appointed in their stead for misbehavior or neglect in office. Before acting each of said officers shall be sworn to the faithful discharge of his duties, and shall execute a bond with sufficient security, payable to the town of Quehele, in such sum as the commissioners may determine: *Provided, however*, that the duties of the collector of taxes may be performed by a constable if the board so direct, and those of the clerk and treasurer by members of the board.

Duties of clerk and treasurer.

SEC. 24. *Be it further enacted*, That the clerk and treasurer shall keep regular and fair minutes of the proceedings of the board, preserve all books, papers and articles committed [to] his care during his continuance in office, and deliver them to his successor, and generally perform such other duties as may be prescribed by the commissioners.

SEC. 25. *Be it further enacted*, That every person shall be

allowed to inspect the journals and papers of the board in the presence of the clerk and treasurer on paying to him twenty-five cents for each inspection, under a penalty of two dollars on the clerk for every refusal, to be paid to him who will sue for the same.

Journals, &c., of board open to inspection.

Fee of clerk.

SEC. 26. *Be it further enacted*, That the clerk and treasurer shall call on all persons who may have in their hands any money or securities belonging to the town which ought to be paid or delivered into the treasury, and keep safely the same for the use of the town; to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said accounts to the commissioners whenever required to do so. On the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe-keeping or otherwise; and during his continuance therein, he shall faithfully perform all duties lawfully imposed on him as town clerk or treasurer.

Clerk to collect moneys due town.

Other duties of clerk.

SEC. 27. *Be it further enacted*, That all orders drawn on the clerk and treasurer shall be signed by the mayor and state the purpose for which the money is applied, and the treasurer shall specify said purposes in his account, and also the sources whence are derived the money received by him.

Orders on clerk, how drawn.

SEC. 28. *Be it further enacted*, That the commissioners shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the town for the general inspection of the citizens, and cause the same to be posted at the depot of the Carolina Central Railroad in said town ten days before the day of the annual election of commissioners, and publish an abstract of the same by posting said abstract in three public places in said town, and the commissioners failing to comply with the duties provided in this section shall forfeit and

Commissioners to make annual statement of receipts and disbursements.

pay for the use of the town and him who will sue therefor one hundred dollars.

Duties of constable.

SEC. 29. *Be it further enacted*, That it shall be the duty of the constable to see that the laws, ordinances and the orders of the commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the powers and authority vested in sheriffs and county constables; he shall execute all precepts lawfully directed to him by the mayor or others, and in the execution thereof shall have the same powers which the sheriffs and constables of the county have; and he shall have the same fees on all processes and precepts executed or returned by him which may be allowed to the constable of the county on the like process and precepts, and also such other compensation as the commissioners may allow.

Fees.

Constable to arrest criminals.

SEC. 30. *Be it further enacted*, That the constable shall have the same power and bound by the same rules in this respect as constables of the county of Robeson to apprehend all offenders against the state within the limits of the town, and to carry them before the mayor or some justice of the peace, and for such duty he shall have the same fees as constables of said county, to be paid by the party offending if found guilty.

Fees.

Taxation.

SEC. 31. *Be it further enacted*, That the board of commissioners of said town shall have power annually to levy taxes for town purposes on all real and personal property, on the taxable polls, on trades, licenses and other subjects of taxation referred to in section three of article fifth of the constitution of this state, and the valuation of all property within said town so liable to taxation for the purposes of said town shall be the same as may be assessed thereon for taxation for state and county purposes. That all persons liable to taxation of any kind in said town shall annually make return of their respective lists of taxable property to the clerk and treasurer of said town,

and it shall be the duty of the board of commissioners by **Taxation.** posting an advertisement in at least ten public places in said town to notify all persons that within thirty days after the date of such notices they shall make such returns of their tax lists. Lists of the taxable property of testators, intestates, minors, lunatics and of property held in trust shall be given in by the executor, administrators, guardians, or trustees, or *cestui que trust*, as the case may be; and the person so required to list any such property shall be individually liable for the payment of the taxes assessed thereon. Such lists shall give a description of the tracts of land, of the lot or part of the lot, the taxable polls and all other property liable to taxation of the person returning the same, and shall be sworn to by such person before some justice of the peace or before the clerk and treasurer, and they are severally hereby authorized to administer to all persons returning such lists the oath prescribed by law to be taken by persons giving in their tax lists under any act providing for the collection of taxes by the state. Said tax lists so returned shall be filed in the office of the clerk and treasurer of the town, who shall within thirty days after the expiration of the time limited for taking such lists make out from the same in a proper book kept for that purpose an alphabetical list of the persons and owners of the property included in said lists and the taxes assessed thereon in the same manner as tax lists are made or required to be made for the collection of state taxes. The said clerk and treasurer shall also within the time aforesaid make out in manner aforesaid to the best of his knowledge, information and belief a list of taxable polls, and of all taxable property in the town of which the owners thereof shall have failed to return a tax list in the manner and within the time aforesaid, and all such persons so listed by the clerk and treasurer shall forfeit and pay for the use of said town on all their property so listed by the clerk and treasurer a sum to be fixed by the board of commissioners, not exceeding twice the sum

Tax list to have effect of judgment and execution.

due for taxes by such delinquent, and such sum when so fixed shall be collected as is provided for the collection of other taxes due to said town: *Provided*, said tax shall not exceed fifty cents on the poll and sixteen and two third cents on the one hundred dollars valuation. In all cases in which the owner of any real or personal property in said town is unknown to the clerk and treasurer he shall on such delinquent list enter all such property and the tax assessed on the same. The usual tax lists made as aforesaid by the clerk and treasurer of said town or under his supervision, or a duly certified copy of such lists in the hands of the tax collector or constable, shall have the force and effect of a judgment and execution for the taxes assessed and appearing in such lists respectively, and the same may be collected by levy and sale of property of the party owing any such taxes on giving such notice as is required by law on executions from one of the superior courts of the state, and the officer charged with the duty of collecting such taxes shall have all the powers vested by law in sheriffs or tax collectors for the collection of taxes due to the state.

Sale of real estate for taxes.

SEC 32. *Be it further enacted*, That no sale of real estate in said town for the payment of taxes assessed against such real estate as appearing on the tax lists aforesaid, shall be invalid on account of the same having been assessed as belonging to any other than the owner, or as the property of an unknown owner, or on account of any informality or irregularity whatever in any of the proceedings for its assessment or sale, unless the person impeaching such sale shall show that the taxes so appearing as assessed on such property, and all the penalties and costs accruing on such assessment and the proceedings for the sale were paid at the time of the sale of the same.

Commissioners to pass laws for sale of real estate.

SEC. 33. *Be it further enacted*, The board of commissioners of said town is hereby authorized and empowered to pass laws for the sale of the real estate in said

town for taxes, whether such real estate belongs to resident or non-resident owners or to persons unknown, and to authorize the sale of any one lot or subdivision of a lot, or so much and such part thereof as may be necessary to pay the taxes due; and further, that the owner or any one for him, or any mortgagee or person having a lien, be allowed to redeem any property sold for taxes at any time within two years on paying the purchaser or the town treasurer for him the amount of the taxes, costs and expenses of sale paid by the purchaser, with twenty-five per cent. thereon in addition, and two dollars for the expenses of re-conveyance, as said board shall provide. Interest at the rate of eight per cent. per annum shall be collected on all taxes assessed, from the last day on which the same are payable by the ordinance of the board of commissioners assessing the same. The board of commissioners, by the mayor or any other agent, may purchase any real estate sold for taxes, and in such event the deed conveying the same shall be made to the town, and all such real estate so purchased may be redeemed as other real estate sold for taxes as aforesaid, and when so redeemed the mayor of the town shall re-convey the same to the owner or owners or his or their assigns or heirs-at-law at their expense as aforesaid. The land of an infant, lunatic or person *non compos mentis* shall not be sold for taxes, but when any such land shall be owned in common with another or others free from any such disability, the sale of the same shall be made according to the provisions of section ninety-two of chapter ninety-nine of the revised code.

Redemption.

Commissioners
empowered to purchase real estate
sold for taxes.

Redemption.

Land of infant,
&c.

SEC. 34. *Be it further enacted*, That the said commissioners shall also have power to annually levy and cause to be collected, at such times during each year as they may deem expedient, such an amount of taxes as to the said commissioners shall seem fair, equitable and right, on the following professions, callings, trades, subjects, occupations, and

License tax.

License tax.

other business carried on in said town : upon all itinerant merchants, or peddlers vending or offering to vend in the town ; upon every billiard table or bowling-alley, or other game allowed by law, established and are kept in the town ; upon every permission by the board of commissioners to retail spirituous liquors within the town ; upon every company of circus-riders who shall exhibit within the town ; upon every show, concert, menagerie, stage or theatrical performance or other exhibitions or performances whatever for reward, to be paid before exhibiting, if not so paid to be doubled ; upon every hotel, public boarding-house, (save those kept for educational purposes,) restaurant and livery stable, a license tax ; professional men, traders and manufacturers may be required to pay a license tax ; upon each express company, auctioneers, telegraph offices, each barber-shop, daguerrean artist and person taking likeness of the human face ; every land-agent or broker ; each broker or banker's office ; each butcher ; dealers in patent rights ; each sewing machine company ; itinerant dealers in prize goods ; all persons whose business it is to sell prize candies, photographs, pictures, jewelry, or any other article with which a prize is offered as an inducement for purchasers to buy any such article ; ice dealers ; each fire or life insurance agent, commission merchants and commercial brokers ; each printing office ; every distillery of fruit or grain ; itinerant merchants or peddlers ; every non-resident huckster or trader, or the agent of such who buys produce on the streets for sale in other markets ; distillers, rectifiers and compounders of spirituous liquors ; all gift enterprises, lotteries and bowling-alleys ; each junk-shop or dealer in metals, cordage, etc. ; every mill, manufactory, machine-shop or foundry employing steam ; every railroad company having a depot or office in the town ; each person or company of stage-players, sleight-of-hand performers, ethiopian serenaders, instrumental or vocal concert company,

rope-walkers, or exhibitions of artificial or natural curiosity.

SEC. 35. *Be it further enacted*, That the commissioners shall ^{streets.} have power to lay out and open any new street or streets within the corporate limits of the town whenever by them deemed necessary, and shall have power at any time to ^{Commissioners empowered to condemn land.} widen, enlarge, narrow, change or extend, or discontinue any street or streets, or any part thereof, within the corporate limits of the town, and shall have power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section upon making a reasonable compensation to the owner or owners thereof. But in case the owners of the land and ^{Damages to land-owner, how assessed.} the commissioners cannot agree as to the value of the land and as to the damages, the mayor of said town shall issue his warrant to the constable of said town, commanding him to summon twelve freeholders, citizens of said town, who are unconnected by consanguinity or affinity with the owner or owners of the land or with the commissioners, to meet at the mayor's office of said town at a day to be named in said warrant, when and where the said constable shall proceed from the persons summoned to draw a jury of six persons, to each and every one of whom the said constable is hereby authorized, empowered and required to administer the following oath, to-wit: "I,, do solemnly swear that I will faithfully, impartially, and to the best of my ability and skill, assess the damages that may be sustained by the owner or owners of any land in the town of Quehele required to be used for any street, or part of any street, to be established and opened by the commissioners of said town, or the damages sustained by the owner or owners of land adjoining any street proposed by said commissioners to be straightened, widened, narrowed or closed, and I will also assess the value of any special benefit or advantage such owner or owners may receive from the opening, straightening, widening or closing up of said street or streets

Damages to land-
owners, how as-
sessed.

which [I] may be called on to view." And the said jury, attended by the constable, shall thereupon proceed to view the land required for the opening of such street or streets, the straightening, widening, narrowing or closing of the same required by this section, and also the several lots or part of lots adjoining said street or streets, make the assessments required by them on oath as aforesaid, and return the same in writing to the constable of said town, who shall return the same to the mayor, who shall file the same in the office of the commissioners aforesaid. And the excess of any of the value of the land or the loss of damages sustained by the said owner or owners over and above the value of the special benefits or advantages received by said owner or owners shall be the amount due by said commissioners to said owner or owners, and upon payment or tender of payment of said amount by the commissioners aforesaid through their clerk and treasurer to the owner or owners of said land required for any street as aforesaid, and to the owners of said adjoining lot or lots for the damage done her, him or them by the straightening, widening, narrowing or closing up of such street as aforesaid, and in all cases where no amount is due from the said commissioners to the said owner or owners according to the facts as found by said jury, it shall and may be lawful and right, and the said commissioners are hereby authorized and empowered to cause such street or streets to be opened, straightened, widened, narrowed or closed up and kept closed, and the land so valued by the said jury and condemned and appropriated for the said purposes shall vest in the said commissioners and their successors in office so long as it shall be used for the said purposes, and the said commissioners shall have the right to immediately enter upon and take possession of the same, and it shall be the duty of the said constable to give the owner or owners and tenants in possession of any land required for any of the aforementioned purposes at least ten days' notice of the

time when the said jury shall meet, and when such land so owned or possessed by them respectively as aforesaid shall be viewed, and when the assessments as aforesaid shall be made by the jury as hereinbefore provided.

SEC. 36. *Be it further enacted*, That every owner of a lot ^{Sidewalks.} or person having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk has been established, shall improve or repair in such measure as the commissioners may direct such sidewalk as far as it may extend along such lot, and on failure to do so within ten days after notice to said owner, or if he be a non-resident of the county of Robeson to his agent, or if such non-resident have an [no] agent in said county then after advertisement for ten days on such lot and at the depot of the Carolina Central Railroad situated in said town, calling on the owner to make such improvements or repairs the commissioners may cause the same to be improved or repaired either with brick, dirt, stone or gravel at their discretion and the person or persons in default shall pay such sum or sums for said improvements or repairs as three commissioners shall estimate the said improvements or repairs to be worth, one of the commissioners to be chosen by the property holder or holders, one by the town commissioners and the said two commissioners shall select a third, and in case the said property holder or holders refuse to select a commissioner then the said town commissioners shall select one for him or them. The said commissioners shall be citizens of the town and unconnected with the said property holder or holders or any of the said town commissioners and disinterested, and the said sum or sums shall be collected in like manner as taxes due the town by distress or otherwise; said amount due as aforesaid shall be a lien upon said lot and if not paid within six months after the completion of the said improvements or repairs such lot may be sold or enough of the same to pay said amount and costs, under the same rules, regulations and restrictions, rights of

redemptions and savings as are prescribed in this charter for the sale of lands for unpaid taxes: *Provided*, That if the owner or his agent shall avow his intention not to make such improvements the commissioners may proceed with such repairs forthwith without any notice. Before estimating the value or worth of said improvements or repairs the said three commissioners shall appoint a day when they shall hear the parties interested on the subject, giving at least three days notice of the time and place of their sitting.

Construction of
sidewalks.

SEC. 37. *Be it further enacted*, That the said board of commissioners shall have the power to require the owner or owners of lots on such streets as they may desire to construct sidewalks in front and all sidewalks adjoining said lot or lots in such manner as may be prescribed by the said commissioners, and on failure to do so within ten days after the notice to said owner, or if he be a non-resident of the county of Robeson to his agent; or if such non-resident have no agent in said county then after advertisement for ten days on such lot or lots and at the depot of the Carolina Central Railroad, calling on the owner to construct said sidewalk or sidewalks in the manner prescribed in said notice, the commissioners may cause the said sidewalk or sidewalks to be constructed either with brick, dirt, stone or gravel at their discretion, and the said person or persons in default shall pay such sum or sums for the construction of said sidewalk or sidewalks as three commissioners shall estimate the construction of said sidewalk or sidewalks to be worth, one of the commissioners to be chosen by the property holder, one by the town commissioners, and the said two commissioners to select a third; and in case the said property-holder or holders refuses to select a commissioner then the town commissioners shall select one for him. The said commissioners shall be citizens of the town and unconnected with the property holder or holders or with any of the said commissioners and disinterested, and the said sum or

sums shall be assessed by the said three commissioners and shall be collected in like manner as taxes due the town by distress or otherwise; said sum or sums assessed by the said three commissioners shall be a lien upon said lot or lots and if not paid within six months after the completion of the said sidewalk or sidewalks such lot or lots may be sold or enough of the same to pay such expenses and costs under the same rules, regulations and restrictions, rights of redemption and savings, as are prescribed in this charter for the sale of land for unpaid taxes: *Provided*, that if the owner or his agent shall avow his intention not to construct said sidewalk or sidewalks, the commissioners may proceed to construct the said sidewalk or sidewalks without notice. Before estimating the value or worth of the said sidewalk or sidewalks the said three commissioners shall appoint a day when they shall hear parties interested on the subject, giving at least three days' notice of the time and place of their sitting.

SEC. 38. *Be it further enacted*, That the commissioners Ordinances, &c. when convened shall have power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided*, the same be consistent with the laws of the land.

SEC. 39. *Be it further enacted*, That it shall be the duty Ordinances to be advertised. of the town clerk and treasurer to advertise for five days all ordinances passed by the commissioners of Tilden at the depot of the Carolina Central Railroad, and four other public places in said town, and no ordinance shall take effect until after such advertisement.

SEC. 40. *Be it further enacted*, That any person or persons violating any ordinance of the town shall be deemed Violation of ordinance. guilty of a misdemeanor, and upon conviction may be Misdemeanor: fined or imprisoned by the mayor, the fine not to exceed fifty dollars, the imprisonment not to exceed thirty days.

SEC. 41. *Be it further enacted*, That the mayor and com- Guard house.

missioners may build or establish a guard house in which to secure and confine offenders against the town ordinances, and all such offenders arrested or taken up by any constable of the town may be therein confined until such time when said offenders can be taken before the mayor to be dealt with according to law, and for feeding such offenders so confined the constable shall be entitled to such fees as the jailor in said county is entitled to in such cases.

Patrol or night-watch.

SEC. 42. *Be it further enacted*, That the commissioners shall provide whenever deemed necessary a patrol or night watch for the town, and prescribe the duties and powers of the several officers, members and classes thereof, and shall pay such patrol or night watch, or may class the inhabitants into such patrol or night watch.

Duty of citizens to serve, &c.

SEC. 43. *Be it further enacted*, That the inhabitants when classed into a patrol or night watch shall each one either in person or by a good substitute serve in turn when ordered out by the mayor or other person appointed by the mayor as commandant of the watch.

Failure to serve a misdemeanor.

SEC. 44. *Be it further enacted*, That any such person being of the watch or patrol and failing to serve and faithfully to discharge his duty shall be guilty of a misdemeanor, and upon conviction may be fined by the mayor in an amount not exceeding five dollars.

Money arising from taxation, &c., to be paid to clerk.

SEC. 45. *Be it further enacted*, That all moneys arising from taxes, donations or other sources shall be paid to the clerk and treasurer, and no appropriation thereof shall be made but by a board constituted of a majority of all the commissioners.

Appropriation of fund.

Cellars.

SEC. 46. *Be it further enacted*, That no cellar shall be built under any sidewalk in the town, or entrance established on the sidewalk to any cellar whereby the free passage of any persons may be delayed, hindered or interrupted, and every offender herein shall be guilty of a misdemeanor, and upon conviction may be fined by the mayor not exceeding fifty dollars.

Misdemeanor.

SEC. 47. *Be it further enacted*, That no mayor or commissioner shall directly or indirectly become a contractor for Town officers not to contract for town work. work done for the town, and any person herein offending shall forfeit and pay one hundred dollars, one half to the use of the town, the other half to the use of any one suing for the same, and shall moreover be deemed guilty of a misdemeanor.

SEC. 48. *Be it further enacted*, That the commissioners Nuisances. may require and compel the abatement and removal of all nuisances, and shall have power to fill up all cellars constructed in the manner described in section six in the town; they may also prevent the establish[ment] within the town, and may regulate the same if allowed to be established, of any slaughter-house or place, or the exercise within the town of any dangerous, offensive or unhealthy trade, business or employment.

SEC. 49. *Be it further enacted*, That the commissioners Animals running at large. shall have power to prevent dogs, horses, cattle, and all other brutes from running at large in the town.

SEC. 50. *Be it further enacted*, That they may prohibit Fast driving. the riding or driving of horses or other animals at a speed greater than six miles per hour within the town, and also the firing of guns, pistols, crackers, gunpowder or other Firing of guns. &c. explosive combustible or dangerous material in the streets, public grounds or elsewhere within the town.

SEC. 51. *Be it further enacted*, That the commissioners Markets. may establish and regulate the markets, and describe what time and place within the corporation marketables shall be sold, in what manner, whether by weight or measure, may be sold grain, meal [and] flour if not purchased in barrels, fodder, hay, or oats in straw, may create scales to weigh the same, appoint a weigh-master and fix his fee, and direct by whom they shall be paid, appoint a keeper of the market, prescribe his duties and fees, and shall also have power to prevent forestalling and regrating.

SEC. 52. *Be it further enacted*, That they may establish Public buildings. all public buildings necessary and proper for the town,

and prevent the erection of wooden buildings in any part of the town where they may increase the danger of fire.

Grave yards.

SEC. 53. *Be it further enacted*, That they may provide graveyards in or near the town and regulate the same: may appoint and pay a keeper, and compel the keeping and returning bills of mortality, and they may prohibit in case of pestilence interments within the town.

Fire companies.

SEC. 54. *Be it further enacted*, That they may provide for the establishment, organization, equipment and government of fire companies; and in all cases of fire a majority of such of the commissioners as shall be present may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down, for which they shall not be responsible to any one for damages.

Contagious diseases.

SEC. 55. *Be it further enacted*, That they may take such measures as they may deem effectual to prevent the entrance into the town of any contagious or infectious disease, may stop, detain and examine for that purpose every person coming from places liable to be infected with such diseases; may establish and regulate hospitals within the town or within three miles thereof; may cause any person in the town suspected to be infected with such disease and whose stay may endanger its health to be removed to the hospital; may remove from the town or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious diseases, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate or propagate disease; may abate by any reasonable means all nuisances which may be injurious to the public health.

Expenses of removal of patient to hospital.

SEC. 56. *Be it further enacted*, That in case any person shall be removed to the hospital the corporation may recover before any justice of the peace of said person the

expense of his removal, support, nursing and medical attendance, and burial expenses also in case of death.

SEC. 57. *Be it further enacted*, That if any person shall attempt by force or by threat or by violence to prevent a removal to the hospital of any person ordered to be conveyed thither, the person so offending shall be guilty of a misdemeanor, and upon conviction may be fined by the mayor in an amount not exceeding fifty dollars and imprisonment not exceeding thirty days.

Attempt to prevent removal to hospital.

Misdemeanor.

SEC. 58. *Be it further enacted*, That it shall not be lawful for the board of commissioners for the county of Robeson to grant license to retail spirituous liquors within the limits of the town without permission first obtained from the board of commissioners of the town in being at the time of application to the board of county commissioners, and if any license shall be granted without permission in writing, attested by the board and exhibited to the said board of commissioners granting such license and filed with the register of deeds for Robeson county, the same shall be void, and the person obtaining such license shall be liable to indictment as in other cases of retailing without a license.

License to retail liquors.

SEC. 59. *Be it further enacted*, That all fines and penalties collected under this charter shall be for the use and benefit of this corporation.

Fines and penalties.

SEC. 60. *Be it further enacted*, That the mayor shall have the same fees for the trial of cases as is allowed by the state to justices of the peace in like causes.

Fees of mayor.

SEC. 61. *Be it further enacted*, That the taxes, fines and forfeitures collected under this charter shall be expended by said commissioners in defraying the expenses incident to a proper government of the town, and in making such improvements as in their judgment may seem best and proper.

Taxes, &c., how expended.

SEC. 62. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

SEC. 63. *Be it further enacted*, That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 89.

AN ACT TO INCORPORATE THE COTTON AND GROCERS' EXCHANGE OF RALEIGH, NORTH CAROLINA.

The General Assembly of North Carolina do enact :

Body of

SECTION 1. That L. H. Adams, J. J. Thomas, J. D. Joyner, W. C. McMackin, W. H. Dodd, M. T. Leach, W. C. Stronach, and such other persons and firms as may hereafter associate themselves with them, their successors, associates and assigns, be and are hereby created a body politic and incorporated as such for the term of ninety-nine years under the name and style of "the Cotton and Grocers' Exchange of Raleigh, North Carolina," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire, hold and convey in that corporate capacity property real and personal, such as may be necessary or requisite and suitable for the purposes of the corporation, shall have perpetual succession may have and use a common seal, have power to elect their officers and board of directors, and to make such rules, regulations and by-laws as may be proper for the purposes of their incorporation, not inconsistent with the constitution and laws of this state.

Name.

Powers.

Corporate powers.

SEC. 2. Said corporation is hereby authorized and empowered to carry on the duties and assume the powers and rights of a "cotton and grocers' exchange" in the city of Raleigh.

Capital stock.

SEC. 3. The capital stock of said company shall consist of fifty shares of fifty dollars each, and may be increased

to ten thousand dollars at any time if authorized by a majority of the stockholders.

SEC. 4. The corporators named in section one are hereby authorized to open books of subscription in the city of Raleigh at such time and place as the incorporators shall decide, notice being first given daily for ten days in some daily paper published in said city, and when twenty shares are subscribed the persons so subscribing shall have power to elect officers and declare the company duly organized.

SEC. 5. This act shall take effect from its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 90.

AN ACT TO INCORPORATE THE TOWN OF SAUL'S CROSS
ROADS, IN THE COUNTY OF WAYNE.

The General Assembly of North Carolina do enact :

SECTION 1. That the village of Saul's Cross Roads, in the county of Wayne, be and the same is hereby incorporated by the name and style of the town of Saul's Cross Roads, and be subject to all the provisions contained in chapter one hundred and eleven of Battle's Revisal and the act amending said chapter.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stake in the centre of crossing of the Freemont and Stantonsburg road and the Bull Head and Black Creek road, and thence south forty-eight and one-half [degrees] east one hundred poles to a stake in L. D. Minshaw's field, thence south four and one-half [degrees] west eighty poles to a stake, thence north forty-eight and one-half [degrees] west one hundred and sixty poles to a stake in James Witherington's field,

thence north forty-one and one-half [degrees] east one hundred and sixty poles to a stake, thence south forty-eight and one-half [degrees] east one hundred and sixty poles to a stake, thence south forty-one and one-half [degrees] west eighty poles to the beginning.

Officers.

SEC. 3. That the officers of said incorporation shall consist of a mayor, three commissioners and a town constable, who shall be appointed by the mayor and commissioners, and Henry J. Sauls shall fill the office of mayor and J. N. Borden, Spright Sauls and James Witherington shall fill the office of commissioners.

Term of office.

SEC. 4. That said officers shall continue in office until the time prescribed by law for the election of officers of incorporated towns, and then the annual elections of officers of said town shall be as prescribed by law.

Election.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 91.

AN ACT TO AMEND AN ACT RATIFIED THE TWENTY-FIRST DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE, TO AMEND THE CHARTER OF THE TOWN OF PITTSBORO, NORTH CAROLINA.

The General Assembly of North Carolina do enact :

Sec. 5 stricken out.

SECTION 1. That section five of an act to amend the charter of the town of Pittsboro, North Carolina, be stricken from said act.

SEC. 2. This act shall be in force from its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 92.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL
HILL.

The General Assembly of North Carolina do enact :

SECTION 1. That the mayor of the said town of Chapel Hill be clothed with all the powers of a justice [of the] peace in the county of Orange. Jurisdiction of mayor.

SEC. 2. *Be it further enacted,* That the commissioners of said town may build or rent a house for the confinement of those who are sentenced to imprisonment for the violation of the ordinances of the town or for a contempt of the mayor's court, at a cost not exceeding three hundred dollars, and until said house is built or rented the county jail shall be used for that purpose, and the sheriff or jailor shall receive such person and shall charge the same fees as in cases of other prisoners, and in case the person so convicted is insolvent the board of commissioners of Chapel Hill shall pay the jail fees and charges, and the commissioners shall have power, under such rules and regulations as they may adopt, to require any person so imprisoned or fined to work on the streets in said town until the prison fees, fines and costs are paid. Commissioners authorized to provide guard house. Cost. County jail to be used until house provided. Jailor's fees. Insolvent convicts.

SEC. 3. *Be it further enacted,* That the board of commissioners of said town shall have authority to assess and collect annual taxes for municipal purposes on all persons and property within the corporate limits which are taxed for state and county purposes: *Provided,* that the basis of taxation between persons and property shall be the same as established by the constitution of the state, and taxes so collected shall not exceed two-thirds the amount collected for state and county purposes. Powers of taxation. Proviso.

SEC. 4. *Be it further enacted,* That said commissioners shall be further empowered to collect a license tax of not License tax.

more than five dollars annually from persons engaged in any trade or occupation that is taxed by the state.

Violation of town ordinance.

SEC. 5. *Be it further enacted*, That any violation of such ordinances as may be passed under said charter, and are not inconsistent with the constitution and laws of the state of North Carolina, shall be a misdemeanor and as such shall be punishable by any court of the state having jurisdiction.

Misdemeanor.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 93.

AN ACT TO INCORPORATE THE BANK OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That D. C. Waddell, E. Sluder, J. H. Merri-
mon, M. E. Carter, Charles M. Steadman, D. R. Murchi-
son, J. F. Finger, M. C. Toms, J. E. Rankin, C. M. McLoud,
D. C. Millard, John Reeves, J. M. Stevens, Solomon Lu-
ther, A. B. Fortune, John G. Chambers, A. M. Alexander
and Natt Atkinson, and their present and future associates
and successors, are hereby constituted and declared to be
a body politic and corporate by the name and style of
"the Bank of Asheville," and shall so continue for the
[term] of thirty years, with the capacity to take, hold and
convey real or personal estate, with the rights, powers and
privileges incident or belonging to corporations as set
forth or referred to in the first, second and third sections
of the twenty-sixth (26th) chapter of the Revised Code of
North Carolina, entitled "corporations."

Name.

Powers, &c.

Capital stock.

SEC. 2. The capital stock of said corporation shall not
be less than twenty-five thousand dollars, in shares of

twenty-five dollars each, and such capital stock may be increased from time to time as said corporation may elect to a sum not exceeding five [hundred] thousand dollars.

SEC. 3. The corporators in the first section named, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said bank at such time or times, at such places and for such periods as they shall determine; and the stockholders at any general meeting called after the due organization of said bank may at their discretion, from time to time, re-open books of subscription to said capital stock until the same be wholly taken.

SEC. 4. Whenever twenty-five thousand dollars shall be subscribed and twenty-five thousand dollars be paid into the capital stock of said bank, the before-mentioned corporators or a majority of them shall call a meeting of the subscribers to said stock, at such time and place and on such notice as they may deem sufficient, and such stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be appointed, and said directors shall choose a president and vice-president to serve during their continuance in office.

SEC. 5. The president and directors of the bank may adopt and use a common seal and alter the same at pleasure, may make and appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties, prescribe the manner of paying for stock and the transfer thereof; may do a general banking business on such terms and rates of discount and interest, not to exceed the legal rate prescribed by the laws of this state, as may be agreed on, and in general have the privileges conferred on corporations by the general laws of the state relating to corporations. The bank shall have a lien on the stock subscribed for and unpaid by the stockholders before and in preference to other creditors of the same dignity; that said bank shall

pay an annual tax to the state according to the provisions of the general revenue laws.

Corporate powers. SEC. 6. The said bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, bullion, in current paper and public or other securities; may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the bank, or may be sold under execution to satisfy any debt due to said bank, and may sell and convey the same; may purchase and hold real estate for the transaction of business, and at pleasure sell or exchange the same; may discount notes and other evidences of debt, and lend money on such terms as may be agreed upon in conformity with law. It may receive on deposit moneys on terms to be agreed on between the officers and depositors. The bank may receive on deposit moneys held in trust by administrators, executors, guardians or others, and issue certificates therefor bearing interest at such rates as may be agreed on between the parties, which certificate may be assignable and transferable under such regulations as may be prescribed by the president and directors, and all certificates and evidences of deposit signed by the proper officers of the bank shall be as binding as under seal of the bank. Each stockholder shall be liable to depositors and creditors to the extent of the amount of his stock at the time the deposit was made or debt contracted: *Provided*, that all liabilities incurred under this section shall be borne by the stockholders *pro rata*.

Liability of stockholders.

Proviso.

Remedy of bank for failure of subscriber to pay for stock.

SEC. 7. If any subscriber shall fail to pay his stock or any part thereof as the same is required of him, the entire residue of his stock shall be deemed to be due and may be recovered in the name of the bank, either by motion to the court of the county where the delinquent may reside upon giving him ten (10) days notice of the motion, or by civil action, or the entire stock may be sold by order of the directors for cash at the banking house in Ashe-

ville after advertisement of sale for twenty (20) days in a newspaper published in said town, and if at said sale the price should not be sufficient to discharge the amount unpaid with all costs attending the sale the subscriber shall be liable for the deficiency in a civil action.

SEC. 8. If any subscriber shall assign his stock before its full payment he and his assignee and all subsequent assignees thereof shall be liable for its payment, and may be sued jointly or severally by motions as aforesaid, or by civil action, and in every case of delinquency in a subscriber or others the subscription shall be deemed a promissory note, payable to the bank, as well in respect to remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Liability of assignee of stock.

SEC. 9. Agencies of the bank may be established at such times and places as the president and directors may designate, and such agencies may be removed at any time; shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank.

Agencies of bank, how established.

SEC. 10. The president and directors shall be capable of exercising all such powers and authority as may be necessary for the better governing of the affairs of the corporation; shall have power to prescribe the rules for the conduct of the bank, the same being consistent with the by-laws, rules and regulations established by the stockholders, and may regulate the terms and rates on which discounts and loans not inconsistent with the laws of this state may be made and deposits received by the bank; and they shall direct to whom dividends of profits shall be made. They may call a meeting of the stockholders whenever they may think proper, and any number of stockholders holding together one-tenth of the stock may call a special meeting on giving thirty days' notice in a newspaper published in Asheville. At all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Powers of president and directors.

Meetings of stockholders.

Bank authorized
to make advances
to planters, &c.

To take liens, &c.

Proviso.

SEC. 11. That to aid the planters, miners, manufactur-
ers and others, the said bank shall and may have power
to advance or loan to any planter, farmer, miner, manu-
facturer, or other person or persons, any sum or sums of
money, and to secure the re-payment of [the] same by
taking in writing a lien or liens on the crop or crops
to be raised, or upon any article or articles then ex-
isting, and any lien so taken shall be good and effectual in
law : *Provided*, the same is duly recorded under the ex-
isting laws of registration anterior to all other liens and
mortgages for securing such loans or advances. And the
said bank shall have power to make loans upon mort-
gages of real and personal property, with power of sale in-
serted upon default of payment, and also to receive in
storage or warehouse any cotton, wheat, corn or other
produce, or any manufactured article whatever as a
pledge or pledges for the re-payment of money or moneys
loaned upon the faith of the same, the said liens, pledges
or mortgages being duly recorded and registered as in
the case of mortgages and deeds of trust, and any sales
made thereunder according to the terms therein recited
shall be good and valid in law.

SEC. 12. This act shall be in force from its ratifica-
tion.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 94.

AN ACT TO INCORPORATE THE TOWN OF MOUNT HOLLY, IN
THE COUNTY OF GASTON.

The General Assembly of North Carolina do enact :

Incorporated.

SECTION 1. That the village now known as Woodlawn,
in the county of Gaston, is hereby created an incorporate

town under the name of Mount Holly, and that William B. Rutledge, A. P. Rhyne, Dr. James Abernathy and J. A. Abernathy and their successors are hereby created a body corporate under the name and style of "the commissioners of the town of Mount Holly," to have perpetual succession and a common seal, together with all the rights, privileges and powers granted to such corporations in chapter one hundred and eleven of Battle's Revisal.

Name.
Commissioners.

Powers, &c.

SEC. 2. That the above named commissioners shall hold their offices until their successors shall be duly elected on the first Monday of May, one thousand eight hundred and eighty.

Term of office of
commissioners.

SEC. 3. That said commissioners may elect one of their own number to be mayor of said town, and they may also elect a town marshal and a town constable

Mayor.

Town Marshal.

SEC. 4. That the corporate limits of said town shall be ascertained as follows, to-wit: by making Mount Holly mills the starting point and running lines thence north, east, south and west, then run lines perpendicular to and cutting the aforesaid lines at points on said lines distant from said mills as follows: the north line three-fourths of a mile, the east line one-fourth of a mile, the south line one and one-fourth mile, and the west line two fourths of a mile, extending said perpendicular lines until they intersect with each other. The territory included within said perpendicular lines shall be the corporate limits of said town.

Corporate limits.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 95.

AN ACT TO INCORPORATE THE ROCKY MOUNT BENEVOLENT
AID SOCIETY.*The General Assembly of North Carolina do enact :*

Body politic.

Name.

Powers, &c.

SECTION 1. That Jacob Barnes, A. J. Bryant, Henry Lindsay, W. R. Mallory, C. Boone, S. M. Macklin, W. R. Battle and Peter Garrett, their associates, successors and assigns, and all who have or may associate with them under articles of agreement for the purpose contemplated in this act, shall be and they are hereby constituted and declared a body politic and corporate by the name and style of "Rocky Mount Benevolent Aid Society," and by that name they and their associates and successors shall and may have combined succession, and shall be capable of suing and being sued, of pleading and being impleaded, of defending and being defended in all and every manner of actions, suits, complaints, matter and cause whatever, and by that corporate name aforesaid shall and may be capable of purchasing, holding and conveying each and every estate, real and personal, necessary to a safe, useful and profitable investment of the funds belonging to said association and the convenient and proper transaction of business in giving aid to its distressed members or in their burial.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 96.

AN ACT TO INCORPORATE CENTENNIAL LODGE, NUMBER
NINETY-SIX, OF THE INDEPENDENT ORDER OF ODD FEL-
LOWS OF TOISNOT, WILSON COUNTY.

The General Assembly of North Carolina do enact :

SECTION 1. That W. D. Carter, J. T. Winstead, W. H. Body politic.
Pridgen, E. G. Conyers, D. J. Hawkins, H. C. Winstead,
Alexander Winstead, J. B. Deans, J. E. Winstead and J.
H. Dixon and the noble grand and other officers and
members of Centennial Lodge, number ninety-six, of the
Independent Order of Odd Fellows, located in the town
of Toisnot, in the county of Wilson, be and they are
hereby incorporated into a body politic and corporate un-
der the name and title of Centennial Lodge, number Name.
ninety-six, Independent Order of Odd Fellows, and by
that name may have succession and a common seal, sue Powers, &c.
and be sued, plead and be impleaded before any court of
record or before any justice of the peace in the state, con-
tract and be contracted with, acquire, hold and dispose
of real or personal property for the benefit of said lodge or
its members, and may have all such other rights and
privileges as are incident to such corporations.

SEC. 2. The said corporation shall have power to pass By-laws, &c.
all necessary by-laws and regulations for its own govern-
ment which may not be inconsistent with the constitu-
tion and laws of the state or of the United States or of the
supreme jurisdiction of the order of which said lodge is a
subordinate.

SEC. 3. This act shall be in effect from and after its rati-
fication.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 97.

AN ACT TO PROVIDE FOR RECORDING THE DEED MADE BY ELIAS STALLINGS TO JAMES DENBY AND JACOB JONES, COMMISSIONERS FOR THE BAPTIST SOCIETY IN FRANKLIN COUNTY.

Preamble.

WHEREAS, there was a deed executed and delivered on the thirteenth day of October, seventeen hundred and ninety-two, conveying the tract of land on which Maple Spring church is situated with three acres surrounding it, as set out by metes and bounds in said deed, situated in Franklin county, by Elias Stallings to James Denby and Jacob Jones, commissioners for the Baptist Society in Franklin county, witnessed by John E. Denson and Council Jones;

AND WHEREAS, the grantor is dead, and the witnesses are dead, and it is now impossible to find witnesses who have any knowledge or recollection of the hand-writing of the grantor or said witnesses;

AND WHEREAS, said deed has never been recorded: now to preserve said evidence of title,

The General Assembly of North Carolina do enact:

Deed to be admitted to probate and registration.

SECTION 1. That the probate judge of Franklin county be and he is hereby authorized to admit said deed to probate upon the authority of this act, and the register of deeds of said county shall register the same in the proper book for the recording of deeds.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 98.

AN ACT TO INCORPORATE YELLOW MOUNTAIN CHURCH, IN
THE COUNTY OF MITCHELL.*The General Assembly of North Carolina do enact :*

SECTION 1. That W. H. Ollis, Leonard Buchanan and Body politic.
 Stephen Buchanan and their successors be and they are
 hereby declared a body politic and corporate under the
 name and style of the Trustees of Yellow Mountain Bap- Name.
 tist Church, in the county of Mitchell, and the said trus-
 tees by that name may sue and be sued, plead and be Powers, &c.
 impleaded in any court of the state having competent
 jurisdiction, and may have all the rights, powers and
 privileges conferred upon religious societies, by and be
 subject to all restrictions laid down in chapter ninety-
 seven Revised Code, as brought forward in Battle's Re-
 visal, chapter one hundred and one, and may have and
 use a common seal.

SEC. 2. That the above named trustees shall hold their Trustees.
 offices until their successors are duly appointed by a ma-
 jority of the members of said Yellow Mountain Church.

SEC. 3. That said trustees may make all such by-laws, By-laws, &c.
 rules and regulations for the government of said church
 and the protection of its property as may be deemed
 expedient, not inconsistent with the constitution of North
 Carolina or of the United States, or of the constitution,
 rules and discipline of said church.

SEC. 4. That it shall be unlawful for any person to sell Unlawful to sell
 or dispose of any spirituous liquors within three miles of liquor within three
 said church, and any person so offending shall be deemed miles, &c.
 guilty of a misdemeanor, and upon conviction shall be Misdemeanor.
 fined not more than dollars, or at the discretion of
 the court for each offence or be imprisoned not exceeding
 thirty days.

SEC. 5. This act shall be in force from and after the

first day of July, one thousand eight hundred and seventy-nine.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 99.

AN ACT TO INCORPORATE THE TUSQUITTE METHODIST CHURCH, SOUTH, IN CLAY COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact :

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|--|---|
| Body politic. | SECTION 1. That James M. Shearer, W. P. Moore, John W. Shearer, S. H. Allison and Henry K. Martin, and their successors in office are hereby created a body politic and corporate, and by the name and style of the Trustees of Tusquitte Methodist Episcopal Church, South, and by that name may sue and be sued, plead and be impleaded, and shall have all powers of corporate trustees of like institutions. |
| Name. | |
| Powers. | |
| Officers. | SEC. 2. That said trustees shall meet at their pleasure and elect one of their number chairman and one secretary, who may hold their offices for a term of ten years. |
| Vacancies. | The trustees shall fill all vacancies by a majority vote at any meeting of said board. |
| Corporate limits. | SEC. 3. That the corporate limits shall extend two miles in every direction from said church, and any person or persons selling spirituous liquors within said corporation shall be guilty of a misdemeanor, and on conviction thereof by any court having jurisdiction shall be fined not less than ten dollars and imprisoned not less than twenty days in the county jail, or at hard labor, for each offence. |
| Misdemeanor to sell spirituous liquor, &c. | SEC. 4. That this act shall be in force from and after its ratification. |
- Ratified the 14th day of March, A. D. 1879.

CHAPTER 100.

AN ACT TO INCORPORATE THE FURNITURE MANUFACTURING
COMPANY.

The General Assembly of North Carolina do enact :

SECTION 1. That Daniel A. Smith, William J. Calais, Body politic.
D. C. Saulsbury, G. F. Davidson and Sharpe, their
associates and successors, be and they are hereby created
a body politic and corporate by the name, style and title
of the "Furniture Manufacturing Company," and by Name.
such name shall have perpetual succession, and shall
have power to contract, sue and be sued, and may have a Powers.
common seal, with power to change or alter the same at
pleasure.

SEC. 2. The capital stock of said corporation shall be Capital stock.
ten thousand dollars (\$10,000), which may be increased
from time to time to a sum not exceeding one hundred thou-
sand (\$100,000) dollars, which stock shall be divided into
shares of twenty-five (\$25) dollars each, and subscriptions
to the capital stock or any part thereof may be received
and paid in land, money, labor, material or machinery
necessary for the operation of said corporation in such
manner and on such terms as may be agreed upon. Subscriptions,
how paid.

SEC. 3. Said company shall have power to acquire, Corporate powers.
hold and convey in its corporate name any lands, tene-
ments and hereditaments in this state, and may encum-
ber the same and any other property it may own by
mortgage, trust deed or otherwise, and may issue bonds
secured thereby in such manner as it may prescribe, at a
rate of interest not exceeding eight per cent. per annum,
and said corporation shall never be permitted to plead
usury to said bonds: *Provided*, that the said company Proviso.
shall not hold at any one time more than three thousand
acres of land.

SEC. 4. That said company may carry on the business

Authorized to deal
in lumber, furni-
ture, &c.

To do banking
business.

• Officers.

By laws, &c.

Duties of officers.

Meetings of stock-
holders, &c.

of manufacturing, buying and selling lumber, timber and furniture and all kinds of wooden ware, and buying and selling merchandise, and may transact a general banking business as a bank of discount and deposit only.

SEC. 5. That the officers of the said company shall consist of five directors who shall from among their own number choose a president, and they shall also elect such other officers as they may deem proper or necessary, and prescribe their duties.

SEC. 6. That the said company may make any by-laws for the purpose of carrying out the object of the corporation not inconsistent with the existing law, and may therein regulate the form of its organization, the number and style of its officers and prescribe their duties, the date and place of the annual meetings of the stockholders, and the mode of calling special meetings, the time and place of the stated meetings of directors, the place where the principal office of the company shall be located, the style of its corporation seal, the mode of altering or amending its by-laws, and any and all other provisions which may be necessary and convenient for the carrying out of the objects of the corporation or for the management of its business not inconsistent with the provisions of this act and with the constitution and laws of this state.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 14th day of March, 1879.

CHAPTER 101.

AN ACT TO INCORPORATE COLUMBIA LODGE, NUMBER ONE
HUNDRED AND THIRTY-TWO, INDEPENDENT ORDER OF
GOOD TEMPLARS.

The General Assembly of North Carolina do enact:

SECTION 1. That L. Basnight, Worthy Chief Templar, **Body politic.** Alice Alexander, Worthy Vice Templar and R. P. Felton, Worthy Secretary, and the other officers and members of Columbia Lodge, number one hundred and thirty-two, of the Independent Order of Good Templars, located in the town of Columbia, Tyrrell county, North Carolina, and their successors be and they are hereby incorporated into a body politic and corporate, under the name and title of Columbia Lodge, number one hundred and thirty-two, **Name.** Independent Order of Good Templars, and by that name may have succession and a common seal, sue and be sued, **Powers.** plead and be impleaded before any court of record or before any justice of the peace, contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of said lodge or its members, and have all such other rights and privileges as are incident to such corporation.

SEC. 2. That said corporation shall have power to pass **By-laws, &c.** necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of North Carolina or of the United States.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 102.

AN ACT TO AMEND CHAPTER EIGHTY-SEVEN, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN, ESTABLISHING A CHAMBER OF COMMERCE FOR NEW BERNE.

The General Assembly of North Carolina do enact :

Name changed.

SECTION 1. That the name of [the] corporation created by said act, ratified February eighteenth, one thousand eight hundred and sixty-seven, be and hereby is changed to "the Newberne Chamber of Commerce"; that James A. Bryan, Sylvester H. Gray, George Allen, Appleton Oaksmith, Clement Manly and Claudius E. Foy, be and hereby are made commissioners for the re-organization of said corporation, and for that purpose may exercise the powers granted in the records of said original act and constitute the first board of trustees.

Commissioners to organize corporation.

Powers.

When corporation to be deemed organized.

SEC. 2. Whenever at least twenty members shall have been enrolled according to the by-laws, and a president, secretary and executive committee elected, then said corporation shall be deemed fully organized, and may proceed to exercise its powers and privileges.

Empowered to hold real estate, &c.

SEC. 3. Said corporation shall be empowered to hold in perpetuity or otherwise a building suitable for the purposes and public use of a chamber of commerce, and such other property as it may receive by bequest or otherwise by any free endowment. It shall furthermore have power to issue bonds at any time not to exceed fifty thousand dollars, secured by deed of trust or otherwise on its property for a building fund, and such other purposes or uses as its trustees deem advisable, for such sums and on such terms and conditions as may be set forth in any deeds of trust or mortgages securing the same, approved by its trustees.

To issue bonds, &c.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 103.

AN ACT TO INCORPORATE THE TOWN OF FORESTVILLE, IN THE COUNTY OF WAKE.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Forestville, Wake county, ^{Incorporated.} be and the same is hereby incorporated by the name and style of the town of Forestville, and shall be subject to ^{Name.} all the provisions of laws now existing in reference to incorporated towns.

SEC. 2. That the corporate limits of said town shall be ^{Corporate limits.} as follows: One quarter mile east, west, north and south, from the southwest corner of the store house of John R. Dunn, Esq., and shall run with the four cardinal points of the compass.

SEC. 3. That the officers of said incorporation shall con- ^{Officers.} sist of a mayor, four commissioners and a marshal, and the following named persons shall fill said offices until the first Monday of May, one thousand eight hundred and eighty: Mayor, David W. Allen; commissioners, W. B. Dunn, Leroy Chappell, E. A. Carver and S. S. Abernathy; marshal, Frank. P. Dunn.

SEC. 4. There shall be an election held for officers men- ^{Election.} tioned in this act on the first Monday of May, one thousand eight hundred and eighty, and each succeeding year thereafter under the same restrictions that state and county elections are held under, and all citizens within ^{Electors.} said corporation who have resided twelve month in the state and ninety days in the corporate limits previous to

the day of election shall be entitled to a vote at such election.

Commissioners to
organize.

Oath.

SEC. 5. It shall be the duty of the commissioners to meet and organize within ten days after their election, and take and subscribe to the following oath: "I, A. B., do solemnly swear (or affirm) that I will faithfully act as commissioner to the best of my knowledge and ability for the ensuing year. So help me, God."

Corporate powers.

SEC. 6. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the state and the United States, and levy and collect a tax on all subjects of state taxation, not to exceed one-half of the state tax, and to impose fines for violation of town ordinances and collect the same.

SEC. 7. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 104.

AN ACT TO AMEND CHAPTER SEVENTY-TWO, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE.

The General Assembly of North Carolina do enact:

Chap. 72, private
acts 1874-'76,
amended.

Trustees granted
police powers.

SECTION 1. That an act to incorporate Ferguson's Camp Ground, in the county of Haywood, chapter seventy-two, private laws of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be amended as follows: The said trustees of Ferguson's Camp Ground shall have all the powers of a politic force, and may make and establish such rules, regulations, by-laws and

ordinances for the government of said camp ground and for the maintenance of order and decorum therein, and the removal of nuisances therefrom as they may deem proper not inconsistent with the constitution and laws of this state, and may appoint a sufficient police force to enforce the same.

SEC. 2. This act shall be in force from its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 105.

AN ACT TO ENABLE THE CITY OF WILMINGTON TO PAY ITS PRESENT BONDED INDEBTEDNESS, AND TO PROVIDE FOR ITS BONDS MATURING IN THE YEARS ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE AND ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of paying such bonds and coupons of the city of Wilmington as are now due, and also such as shall mature and become due during the years one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty, the mayor and board of aldermen of the said city, by and with the sanction and approval of the board of audit and finance of the city of Wilmington, are hereby authorized and empowered to issue coupon bonds, bearing interest payable semi-annually, at a rate not exceeding six per cent. per annum, to the amount of two hundred thousand dollars, in denominations of not less than one hundred dollars or more than one thousand dollars, to be made payable as follows, to-wit: fifty thousand dollars on the first [day of] January, one thousand eight hundred and nine-

Authorized to
issue new bonds.

Description of
bonds.

When payable.

	ty-seven ; fifty thousand dollars on the first [day of] January, one thousand eight hundred and ninety-nine ; fifty thousand dollars on the first [day of] January, one thousand nine hundred and one ; and fifty thousand dollars on the first [day of] January, one thousand nine hundred and four, with a provision that the same may be called in and paid at any time after the expiration of ten years from the date of issue ; said bonds shall be made payable at such places as the said boards may determine, and shall not be valid unless signed by the mayor and countersigned by the chairman of said board of audit and finance of the city of Wilmington.
Where payable.	
How executed.	
To be sold or exchanged at par. Not taxable by city.	SEC. 2. The said bonds shall be sold and exchanged at par and at no less a rate ; they shall not be taxable by the said city for any purpose whatsoever, and the coupons shall be receivable from and after maturity in payment of any and all taxes or other indebtedness due the said city.
Coupons receivable for city taxes.	
To be registered at option of holder.	SEC. 3. The said bonds shall be registered at the option of their holders by the treasurer of said city, and after such registration shall be transferable only by endorsement.
Executors, &c., authorized to exchange bonds as provided in this act.	SEC. 4. All executors, administrators, guardians, trustees and other persons acting in a fiduciary capacity, who now hold or may hereafter hold or become possessed of any of the bonds or coupons of said city which are now due or may become due during the years one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty are hereby authorized and empowered to exchange the same for bonds issued under this act.
Misapplication of bonds, &c., by officer or employee of city.	SEC. 5. Any officer or employee of the said city who shall apply the proceeds of any bond or bonds issued under this act, or exchange any such in any other manner or for any other purpose than is hereby provided, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars or more
Misdemeanor.	
Penalty.	

than five hundred dollars, or be imprisoned not less than one month or more than six months, or both, at the discretion of the court.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 106.

AN ACT TO INCORPORATE " CORNELIUS HARNETT COUNCIL OF THE ROYAL ARCANUM," LOCATED IN THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact :

SECTION 1. That Nathaniel Jacobi, Owen Terrell, Jr., Body politic. M. M. Katz, John D. Bellamy, Jr., N. Greenwald, H. H. Kasprowig, William Larkins, Richard J. Jones, S. Medelshon, W. J. H. Bellamy, Roger Moore, Allison Alderman, S. Blumenthal, W. A. Cumming, W. H. Northop, Nathan Mayer, S. H. Fishblate, A. Weil, Samuel Haustein, J. J. Macks, Soloman Bear, Geo. Harnett, J. Weil, J. N. Hinton, G. Rosenthal and I. Levy, their associates and successors, be and the same are hereby incorporated into a body politic and corporate under the name and title of "Cornelius Name. Harnett Council of the Royal Arcanum," located in the city of Wilmington, state of North Carolina, and by that name may have succession and a common seal, sue and Powers. be sued, plead and be impleaded before any court of record or other court in this state; contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of the said council and of its members, and the widows and orphans of its members, and may have all such other rights and privileges as are incident to such corporations.

SEC. 2. That the object of said corporation shall be to Objects of corporation. entitle fraternally all men of sound bodily health and

good moral character who are socially acceptable and between twenty-one and sixty years of age; to give all moral and material aid in its power to its members and those dependent upon them; to educate its members socially, morally and intellectually, also to assist the widows and orphans of deceased members; to establish a fund for the relief of sick and distressed members, and to establish a widows' and orphans' benefit fund, from which on satisfactory evidence of the death of a member of the order who has complied with all its requirements a sum not exceeding three thousand dollars (\$3,000) shall be paid to his family or those dependent on him according as he may direct.

By-laws, &c.

SEC. 3. That said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the laws of the state or of the United States, or of the supreme council of the Royal Arcanum, of which said council is subordinate.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 107.

AN ACT TO APPOINT ADDITIONAL TRUSTEES OF NEWTON ACADEMY, IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact :

Additional trustees appointed.

[SECTION 1.] That Alexander Penland, David M. Stevens, Henry Davidson, B. J. Alexander, T. C. Westall, Thomas D. Neill, Jesse M. Patton, Hamilton McDowell, W. J. Alexander and Augustus Mears are hereby appointed

additional trustees of Newton Academy, Buncombe county, with all the powers of the original trustees.

[SEC. 2.] This act shall take effect from its ratification. Ratified this the 14th day of March, A. D. 1879.

CHAPTER 108.

AN ACT TO AMEND AN ACT IN THE CORPORATION OF THE TOWN OF WASHINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact :

SECTION 1. That section six of chapter three hundred and forty-five, laws of North Carolina [of] one thousand eight hundred and fifty and one thousand eight hundred and fifty-one, entitled "an act to amend an act for the incorporation of the town of Washington," being chapter one hundred and ninety-nine of the acts of the session beginning in one thousand eight hundred and forty-six, be and the same is hereby re-enacted.

Chap. 345, sec. 6,
acts 1850-'51, re-
enacted.

Hogs running a
large.

SEC. 2. That all laws coming in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in conflict [force] from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 109.

AN ACT TO INCORPORATE THE TOWN OF ROXBORO', PERSON COUNTY.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Roxboro, in the county

Incorporated Name.	of Person, be and the same is hereby incorporated by the name and style of the town of Roxboro, and shall be subject to and governed by all the provisions contained in chapter one hundred and eleven of Battle's Revisal.
Corporate powers.	
Corporate limits.	SEC. 2. That the corporate limits of said town shall extend seven hundred yards in every direction from the court-house.
Election.	SEC. 3. That the first election for municipal officers and constable shall be held within two months after the ratification of this act, and annually thereafter on the first Monday of May.
	SEC. 4. That this act shall be in force from and after its ratification.
	Ratified the 14th day of March, A. D. 1879.

CHAPTER 110.

AN ACT IN RELATION TO THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Chap. 49, sec. 11,
private acts,
1862-'63, amended.

Collection of
taxes.

SECTION 1. That private acts one thousand eight hundred and sixty-two and one thousand eight hundred and sixty-three, chapter forty-nine, section eleven, be amended by striking out in lines seven, eight, nine and ten the words "August, and there is no other visible estate but such lot or land of the person in whose name it is listed liable to distress and sale known to the collector, he," and inserting in lieu thereof the words "October, the tax collector shall either proceed to collect the same by a levy and sale of personal property belonging to the owner of said lot or land, or," so that the section shall read "that when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of October, the tax col-

lector shall either proceed to collect the same by a levy and sale of personal property belonging to the owner of said lot, or shall report the fact," etc. And that line thirteen of said section be amended by striking out the words "on the premises," and inserting in lieu thereof the words "at the court house door in the city of Raleigh."

SEC. 2. That A. D. Royster, tax collector of the city of Raleigh, be authorized and empowered, under the direction of the board of aldermen of said city, to collect all taxes and arrears due the said city for the years one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six, and one thousand eight hundred and seventy-seven: *Provided*, that if any tax payer will make affidavit before a justice of the peace that he has paid said taxes he shall not be required to pay the same again: *Provided further*, that this act shall not apply to executors and administrators. Nor shall any property heretofore *bona fide* sold, nor the present owner thereof, be held liable for the payment of any arrears of taxes due thereon by the former owner or owners for the years one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six, or one thousand eight hundred and seventy-seven: *Provided*, said present owner shall make an affidavit before a justice of the peace that at the time of purchase he or she had no notice of such arrears of taxes.

SEC. 3. That all persons who are liable for a poll tax to the said city and shall wilfully fail to give themselves in, and all persons who own property and who wilfully fail to list it within the time allowed by law, before the tax collector, shall be deemed guilty of a misdemeanor to the same extent as for a failure to list state and county taxes, and on conviction thereof before the mayor of said city, or any justice of the peace of Raleigh township, shall be fined not more than twenty-five dollars or imprisoned not more than ten days; and it shall be the duty of the tax

collector of said city to prosecute offenders against this section.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 111.

AN ACT TO INCORPORATE THE NORTH CAROLINA BAPTIST SUNDAY SCHOOL CONVENTION.

The General Assembly of North Carolina do enact:

Body politic.

Objects of corporation.

Name.

Powers, &c.

SECTION 1. That N. F. Roberts, A. B. Williams, E. E. Smith, J. T. Reynolds, Aug. Sheppard, J. J. Worlds, Caesar Johnson, P. T. Hall, L. H. Wyche, R. J. Walden, A. J. Walker and their successors in office, organized and known as the North Carolina Baptist Sunday School Convention, having for its object the establishment and improvement of Sunday schools in all churches and destitute neighborhoods in the state, to awaken a general interest in the religious and moral education of the masses and the elevation of the rising generation by gathering the youths in Sunday schools, be and they are hereby created a body politic and corporate under the name and style of the "North Carolina Baptist Sunday School Convention," and by that name may sue and be sued, plead and be impleaded, may purchase, acquire, receive, hold and transfer real and personal estate, may adopt a constitution and by-laws, and alter or amend the same as they may deem necessary and proper from time to time for the government of the affairs of the convention, and may do all other acts and things which in law a body politic and corporate may of right do not inconsistent with the constitution of the United States or of this state.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 112.

AN ACT TO INCORPORATE THE TRUSTEES OF MACEDONIA BAPTIST CHURCH IN THE COUNTY OF TRANSYLVANIA.

The General Assembly of North Carolina do enact:

SECTION 1. That Eli Galloway, W. H. Robeson, W. P. Body politic. Galloway and Jason W. McCall and their successors shall be and are hereby declared a body politic and corporate in deed and in law, by the name and style of the trustees Name. of Macedonia Baptist Church in the county of Transylvania, and said corporation shall have power to purchase Powers, &c. and hold real and personal estate, and to acquire the same by gift or otherwise, shall have perpetual succession, and sue and be sued, and plead and be impleaded in any court of the state having competent jurisdiction, and may have and use a common seal and have power to elect their officers, consisting of a chairman, a secretary and treasurer.

SEC. 2. That in case of death or refusal to act, or removal, Vacancies. or from any other cause, there becomes a vacancy the remaining trustees shall have power to fill the same: *Provided,* their number shall not be less than five nor Proviso. more than ten trustees.

SEC. 3. That it shall not be lawful for any person to Unlawful to sell spirituous liquors within two miles sell, give away or dispose of spirituous liquors at or within two miles of Macedonia Baptist church, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof Misdemeanor. shall for each offence be fined not less than five nor more

than fifty dollars, or imprisoned not exceeding thirty days.

SEC. 4. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 113.

AN ACT TO INCORPORATE RISING HOPE LODGE, NUMBER ONE THOUSAND EIGHT HUNDRED, GRAND UNITED ORDER OF ODD FELLOWS, OF FLEMINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact :

Body politic.

Name.

Corporate powers

Powers, &c.

SECTION 1. That William Harris, C. H. Tire, George McGarey, George Cox, G. M. Spaulding, W. H. Eason, J. L. Cooper, the present officers and members of Rising Hope Lodge, number one thousand eight hundred, Grand United Order of Odd Fellows, and their successors be and they are hereby declared to be a community corporation and body politic by the name and style and title aforesaid, and by that name they and their successors shall and may at all times be capable in law to have, receive and retain to them and their successors property both real and personal, also devises and bequests of any person or persons, bodies corporate or politic capable of making the same, and the same at their pleasure to transfer or dispose of in such manner as they may think proper.

SEC. 2. That the said corporation and their successors by the name and style and title aforesaid shall be thereafter capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all or any courts of justice, and before all and any judges, officers and persons whatever in all and singular actions, matters or demands whatsoever.

SEC. 3. That it shall and may be lawful for said corporation to have a common seal for their use, and the same at their will and pleasure to change, alter and make anew from time to time as they may think best, and shall in general have and exercise all such rights, privileges and immunities as by law are incident or necessary to corporations of a like character, and what may be necessary to the corporation herein constituted.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 114.

AN ACT TO INCORPORATE THE NORTH CAROLINA AND VIRGINIA CHRISTIAN CONFERENCE.

The General Assembly of North Carolina do enact :

SECTION 1. That James W. Wellons, J. W. Holt, A. Herring, A. H. Anderson, W. S. Long, W. G. Clements, W. F. Herndon, W. W. Staley, Dr. George Watson, J. W. Hatch, Atlas Boone, J. V. Farrell, R. G. Swain, J. G. Garrison, J. T. Ball, D. T. Deane, their associates and successors, be and the same are hereby declared a body politic and corporate, under the name and style of the North Carolina and Virginia Christian Conference, and as such shall have power to purchase and hold real and personal estate, to sue and be sued by their corporate name, to use a common seal and to make such rules and by-laws as may be necessary for their good government.

SEC. 2. That all devises and bequests heretofore or hereafter to be made to said North Carolina and Virginia Christian Conference shall vest in the same and be a good and valid law.

SEC. 3. This act shall be in force from and after its ratification.

Ratified the 14th day of March, 1879.

CHAPTER 115.

AN ACT DECLARATORY OF THE MEANING OF AND AMEND THE • CHARTER OF THE TOWN OF REIDSVILLE.

The General Assembly of North Carolina do enact :

Meaning of sec. 3,
chap 28, private
acts 1873-'74, de-
clared.

When election of
mayor, &c., to be
held.

Former elections
and official acts
of officers vali-
dated.

Sec. 3 amended.

"Constable"
stricken out.

Election, when
held.

SECTION 1. That it was the true intent and meaning of section (3) of chapter twenty-eight of [the] private laws of one thousand eight hundred and seventy-four, entitled "an act to incorporate the town of Reidsville," that the election of mayor, commissioners and constable should be held on the fourth Thursday in January of one thousand eight hundred and seventy-five, and on the fourth Thursday in January in each and every year thereafter.

SEC. 2. That all elections which have been heretofore held for the said officers above named, and all official acts of said officers be and the same are hereby validated and confirmed.

SEC. 3. That said section (3) three of said chapter above named is hereby amended by striking out in the second line of said section the words "and constable," and inserting between "mayor" and "commissioners" in the first line the word "and."

SEC. 4. The election for mayor and commissioners of said town of Reidsville shall hereafter always be on the said fourth Thursday in January in each and every year.

SEC. 5. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 116.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF
FARMVILLE, PITT COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter fifth of private laws of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three be amended as follows: Strike out all after the words "five hundred yards," in line six (6) of section one, and insert the following: "thence east until it strikes the public road leading to Wilson; thence a straight line to the point where the boundary line now crossing the public road leading to Tarboro; thence to the present line to the beginning."

Chap. 5, private
acts 1872-'73,
amended.

Corporate limits.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 117.

AN ACT TO REPEAL AN ACT ENTITLED AN ACT TO AMEND
AN ACT ENTITLED AN ACT TO INCORPORATE THE TOWN
OF LILLINGTON, IN THE COUNTY OF NEW HAMOVER.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter sixty-eight of private laws of eighteen hundred and sixty-eight and eighteen hundred and sixty-nine be and the same is hereby repealed.

Chap. 68, acts
1868-'69, repealed.

SEC. 2. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

CHAPTER 118.

AN ACT TO INCORPORATE THE ZION HILL CEMETERY COMPANY, CONCORD, NORTH CAROLINA.

The General Assembly of North Carolina do enact :

- Body politic.** SECTION 1. That Richard McCrea, Alexander Coleman, John F. Young, Warren Coleman, Caleb Boyer, A. S. Richardson and Benjamin Allison, and their associates and successors, be and they are hereby made a body politic and corporate in law, under the name and style of the "Zion Hill Cemetery Company," and by that name shall be able and capable in law to have and use a common seal, to sue and be sued, to plead and be impleaded in any court of law or equity, with the other powers usually incident to corporations; and shall have power to purchase and hold, have and enjoy, to them and their successors, a part of the property lately known as the German's Hill, in the neighborhood of the town of Concord, in the county of Cabarrus and the State of North Carolina, comprising about four acres, with the privilege of adding thereto not more than six contiguous acres:
- Name.**
- Corporate powers.** *Provided, however,* that the four acres first mentioned shall be held and used exclusively as a cemetery or place of burial for the dead, and that a plat thereof shall be recorded in the office of the clerk of superior court for Cabarrus county within sixty days after the passage of this act: *And provided, also,* that in case of any addition thereto as aforesaid, a plat of the land to be added shall also be recorded in the same office at the time of dedication thereof to the purpose aforesaid, and that after said record the land described in said plat shall also be held and used exclusively for the purpose of a cemetery or place of burial for the dead.
- Proviso.**
- Proviso.**
- Board of directors.** That the persons named above shall be the first board of directors of the Zion Hill Cemetery Company,

and shall have power (first having consent of owners thereof) to lay out and ornament the grounds, to remove or alter or erect buildings, to dispose and arrange burial lots, and to make such by-laws, rules and regulations for the government of lot-holders and visitors to the cemetery, and for the management of the affairs of the company generally as from time to time they may deem necessary.

Powers, &c.

That the said Zion Hill Cemetery Company shall be able and capable in law to sell and dispose of the above mentioned land for burial lots, and also to have and to hold as much personal estate and no more as may be necessary for the purpose of this incorporation: *Provided*, that the said land shall never be granted but for burial lots, and that the lots so granted shall be held by the proprietors for the purpose of sepulchre alone.

Authority to sell burial lots, &c.

Proviso.

That no streets or roads shall hereafter be opened through the land so appropriated except by and with the consent of this corporation. That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone or structure placed in the cemetery aforesaid, or any fence, railing or other work for the protection or ornament of any tomb, monument, grave stone or other structure aforesaid shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any court of justice, be punished by a fine of not less than ten or more than fifty dollars.

Streets, &c.

Misdemeanor to injure tombs, &c.

That the members of said corporation shall be jointly and severally liable for all debts and contracts made by the said corporation during the period of their membership.

Liability for corporate debts.

That the members of said corporation shall hold their office for a term of one year, and shall be appointed or chosen by the quarterly conference of the African Methodist Episcopal Zion Church at Concord, in the county of Cabarrus and state of North Carolina; that the said conference shall have power to fill all vacancies which may occur by death, resignation or otherwise.

Term of office of members of corporation.

Vacancies.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 14th day of March, A. D. 1879.

CHAPTER 119.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CONCORD, AND TO AMEND THE CHARTER OF THE SAID TOWN.

The General Assembly of North Carolina do enact :

Corporate limits.

SECTION 1. That the corporate limits of Concord shall hereafter be as follows: Beginning at the crossing of Union and Corbin streets, and runs south forty-two and one-half degrees and east ninety and one half degrees; then beginning at the crossing of Union and Corbin streets, and runs north forty-two and one-half degrees, west two hundred and eighty poles (280); then beginning at the crossing of Union and Corbin streets, and runs north forty-seven and one-half degrees, east eighty poles; then beginning at the crossing of Union and Corbin streets, and runs south forty-seven and one-half degrees, west ninety poles. And the corporate limits of said town shall be comprised within a parallelogram enclosed within four lines, run at right angles to said lines at the termination thereof, and extending each way until they intersect each other respectively.

Police.

SEC. 2. That the board of commissioners shall have power to elect or appoint a regular police of not more than two men, who shall be paid a salary not to exceed forty dollars per month out of the town treasury. And the said police shall have the power and authority given by law to constables to make arrests and do other acts to preserve the peace.

Salary.

Power to make arrests.

SEC. 3. That in all cases when a defendant shall be convicted before the mayor of any misdemeanor and shall be sentenced to pay a fine and costs, and such defendant shall refuse or be unable to pay the same, it may and shall be lawful for the mayor to order and require such defendant to work on the streets or other public work until, at a fair rate of wages, such person will have worked out the full amount of the fine and costs of prosecution.

Insolvent convicts
to work streets.

SEC. 4. That the board of town commissioners shall have power annually to levy and collect, in the manner hereinafter prescribed, an *ad valorem* tax not exceeding forty cents on the one hundred dollars of the assessed valuation of all real and personal property, and a like tax upon the real value of all bonds, stocks or other investments in banks, railroads or other incorporated companies, and a like tax on cash in hand or deposit and on solvent credits, and also a tax on all taxable polls not exceeding one dollar and twenty cents: *Provided*, That in levying a poll tax the constitutional equation between the tax on property and the tax on polls shall always be observed.

Powers of taxation.

Proviso.

SEC. 5. That the town clerk shall, within the first seven days of the month of June in each and every year, advertise in three or more public places in said town notifying all persons subject to pay a poll tax to the state, who resided within the limits of said town on the first day of April next preceding, and all persons who owned or were possessed of taxable property within the limits of said town on the said first day of April, to give to him before the last day of said month of April a list of their said polls and taxable property, and also the valuation of said property assessed for taxation to the State; and it shall be the duty of such persons to give in under oath said lists within the time specified. The said lists shall be filed, and from the same the said town clerk shall, within twenty days from the said last day of June in each and

Polls and taxable
property to be
listed by town
clerk for taxation.

every year, make in a book kept for that purpose an alphabetical list of the persons and owners of such property liable to taxation, and complete the said list by computing the tax payable by each person and affixing the same opposite his or her name.

Unlisted property,
&c.

SEC. 6. The said clerk shall within the same time make to the best of his knowledge in the same book a list of taxable polls and of owners of taxable property within said town who have failed to give in a list in the manner and within the times above prescribed, and shall state in said list the value at which said property was assessed for taxation by the state. That all persons who shall fail to list their polls and taxable property within the time above prescribed, shall pay a double tax for that year, the amount of which double tax shall be stated by said clerk in said list.

Double tax.

Town clerk to deliver tax-list to tax-collector.

SEC. 7. That on or before the first day of August in each and every year the said board of commissioners shall cause the said town clerk to make a fair copy of said list made by him as aforesaid, and they shall deliver the said copy to the tax collector together with a warrant under their hands and seals, or under the hands and seals of a majority of them, authorizing and directing the tax collector to collect said tax on said list mentioned, and to make return thereof and of said warrants on a certain day therein mentioned, and the said tax collector is hereby vested with all the powers and rights for the collection of said taxes which sheriffs have for the collection of state taxes, and said tax list and warrant shall have the force and effect of a judgment and execution for the taxes therein mentioned.

Powers of tax-collector concerning collection of taxes.

Taxes. when due.

SEC. 8. That said taxes shall be due on the first Monday in August in each and every year, but the tax collector shall have no power to enforce collection of the same by sale before first day of October next ensuing.

When collection enforced by sale.

When tax-collector to proceed to collect unpaid taxes.

SEC. 9. That whenever the taxes shall be due and unpaid on the said first day of October, the tax collector

shall proceed to collect the same in the manner prescribed by law for the collection of state taxes by the sheriffs of the state.

SEC. 10. That the board of commissioners shall have power to change the time of levying and collecting the town taxes. Commissioners empowered to change time of levying taxes, &c.

SEC. 11. That if any person shall refuse or fail to pay the poll tax due the town after demand made by the tax collector, then upon complaint made to the mayor, it shall be lawful for the mayor to order and require the said delinquent tax payer to work upon the streets or other public work until, at a fair rate of wages, such persons shall have worked out the full amount of said taxes. Refusal to pay poll tax. Liability to work streets, &c.

SEC. 12. That in addition to *ad valorem* tax on property the board of commissioners shall have power to levy and collect the following taxes for the privilege of carrying on the business or of doing the act named, to-wit: License tax.

1st. On all licensed retailers of spirituous, alcoholic or malt liquors, a tax not exceeding one hundred dollars. Retail liquor dealers.

2nd. On all venders of wine, cordials or other spirituous, alcoholic or malt liquors of the measure of a quart or more, a tax not exceeding fifty dollars. Wholesale liquor dealers.

3rd. On all ten-pin alleys, or bowling alleys, a tax not exceeding fifty dollars. Ten pin alleys.

4th. On all billiard and bagatelle tables, a tax not exceeding twenty-five dollars. Billiard tables.

5th. On all peddlers of patent soap, medicine, ink, varnish or any goods, wares, or merchandise, which are not the products or manufacture of this state, a tax not exceeding ten dollars. Peddlers.

6th. On all lectures for a reward, unless the reward be wholly devoted to some literary or charitable purpose, a tax not exceeding five dollars. Lectures.

7th. On all auctioneers a tax not exceeding five dollars. Auctioneers.

8th. On all traveling theatrical companies a tax not exceeding twenty dollars.

9th. On every concert or musical entertainment, a tax Concerts, &c.

not exceeding five dollars, unless such concert or entertainment be given for the benefit of a religious or charitable purpose.

Museums, &c.

10th. On museums, wax works or curiosities of any kind exhibited for reward, a tax not exceeding five dollars.

Circuses, &c

11th. On every exhibition of a circus or menagerie a tax not exceeding fifty dollars; and for each side show or concert accompanying a circus or menagerie, for which extra charge is made, a tax not exceeding ten dollars.

Itinerant companies, &c.

12th. On all itinerant companies or persons who exhibit for the amusement of the public otherwise than especially mentioned in this act, a tax not exceeding ten dollars.

Gift enterprises.

13th. On all gift enterprises, or any person or establishment offering to present the purchaser with any gift or prize as an inducement to purchase, a tax not exceeding twenty dollars.

Itinerant physicians, &c.

14th. On every itinerant physician, surgeon, dentist or chiropodist, a tax not exceeding ten dollars.

Gypsies, &c.

15th. On every company of gypsies or strolling company of persons who make a support by fortune telling and horse jockeying, a tax not exceeding twenty dollars.

And said board of commissioners shall have power to make all necessary rules, regulations, ordinances levying and collecting the aforesaid tax for the privilege of doing the act named or carrying on the business specified.

Town treasurer to execute bond.

SEC. 13. That the town treasurer shall execute a bond, payable to the town of Concord, in the sum of fifteen hundred dollars, with sureties who shall justify before the mayor of said town that they are solvent to the amount of said bond over and above all liabilities, homestead and personal property exemption by law.

Town clerk to publish exhibit of receipts and disbursements.

SEC. 14. That before the first day of May in each and every year the town clerk shall post up at the court house or publish in some newspaper published in said town, an exhibit of the receipts and disbursements made during

the year past, and on failure to do so shall be guilty of a misdemeanor.

SEC. 15. That the board of commissioners of the said ^{Salary of mayor.} town may allow the mayor of the town an annual salary not exceeding the sum of three hundred dollars, to be paid out of the town treasury.

SEC. 16. That the mayor on special occasions shall have ^{Special police force.} the power, and it shall be his duty when the peace of the town requires it, to appoint a special police force, not exceeding six men, who shall have the power and authority given by law to constables to make arrests and do other acts to preserve the peace, and that said police force shall be paid out of the town treasury, not exceeding one dollar and fifty cents per day.

SEC. 17. That the provisions of the charter of the town of Concord, and of the several acts amendatory thereof, levying a tax upon subjects not mentioned in this act or in a manner not prescribed by this act, be, and the same are hereby repealed.

SEC. 18. That all laws and clauses of laws inconsistent with this act are hereby repealed.

SEC. 19. This act shall be in force from and after its ratification.

Ratified March, 14th A. D. 1879.

CHAPTER 120.

AN ACT TO INCORPORATE THE NORTH CAROLINA INDUSTRIAL ASSOCIATION.

The General Assembly of North Carolina do enact :

SECTION 1. That Cæsar Johnson, L. B. Hinton, S. Ellison, W. H. Mathews, Osborn Hunter, jr., J. A. Long, C. N. Hunter, James H. Jones, C. J. Proctor, G. W. Hayes, M. ^{Body politic.}

Lewis, Joseph Hill, Sylvester Dunston, H. Biggs, A. Sears, W. M. Graves, Americus Hunter, Jr., C. M. Hunter, Tony Burns, Frank Johnson, Reuben Rhodes, Thomas Bradford, and such other persons as are or may be hereafter associated with them, for the purposes hereinafter specified, and their successors, be and the same are hereby created and constituted a body politic and corporate under the name and style of "The North Carolina Industrial Association," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, have a common seal, which they may alter when they deem proper, and have all other powers and authorities usually granted to bodies corporate.

Name.

Corporate powers.

Objects of corporation.

Officers, &c.

SEC. 2. *And be it further enacted*, that the object and business of said association shall be this: To encourage and promote the development of the industrial and educational resources of the colored people of North Carolina, to gather statistics respecting their progress in the various pursuits and customs peculiar to civilized and enlightened nations; to hold annually at such time and place as it may elect an exhibition of the products of their industry and education, and to offer such premiums for articles so exhibited as the means of the association will allow.

SEC. 3. *And be it further enacted*, that in order to perform the objects and business enumerated in the foregoing section, said association may elect such officers, adopt such constitution and by-laws, not inconsistent with the constitution and laws of North Carolina or of the United States, and acquire such property, not exceeding twenty thousand dollars in value, as it may deem necessary.

SEC. 4. *And be it further enacted*, that this act shall take effect from and after its ratification.

Ratified the 14th day of March, A. D. 1879.

STATE OF NORTH CAROLINA,
OFFICE SECRETARY OF STATE,
Raleigh, May 19th, 1879.

I, W. L. SAUNDERS, Secretary of State, hereby certify Certificate of Secretary of State.
that the foregoing are true copies of the original acts and
resolutions on file in this office.

W. L. SAUNDERS,
Secretary of State.

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